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H.289

Introduced by Representatives Burke of Brattleboro, Clarkson of Woodstock,
Davis of Washington, Ellis of Waterbury, Head of South
Burlington, Hooper of Montpelier, Marek of Newfane, Martin
of Springfield, McCarthy of St. Albans City, McCormack of
Burlington, McCullough of Williston, Moran of Wardsboro,
Mrowicki of Putney, Pearson of Burlington, Ram of Burlington,
Sharpe of Bristol, Spengler of Colchester, Stevens of
Waterbury, Townsend of South Burlington, Weed of
Enosburgh, Wizowaty of Burlington, and Woodward of
Johnson

Referred to Committee on

Date:

Subject: Motor vehicles; driver's licenses; nondriver identification cards;
residents unable to prove legal presence

Statement of purpose of bill as introduced: This bill proposes to expand
eligibility for driver's licenses and nondriver identification cards to Vermont
residents unable to establish lawful presence in the United States.

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

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

2 Sec. 1. FINDINGS

3 (a) The General Assembly finds that migrant workers in Vermont face
4 significant challenges based on their current ineligibility for Vermont driver's
5 licenses and nondriver identification cards. These challenges include barriers
6 to identifying themselves and being identified officially, and to traveling in
7 order to purchase basic necessities or to access services, including medical
8 care.

9 (b) 2012 Acts and Resolves No. 95 created a study committee on migrant
10 worker access to driver's licenses and nondriver identification cards. The
11 study committee recommended that Vermont law be amended to authorize the
12 issuance of driver's licenses and nondriver identification cards to Vermont
13 residents unable to establish lawful presence in the United States.

14 Sec. 2. 23 V.S.A. § 603 is amended to read:

15 § 603. APPLICATION FOR AND ISSUANCE OF LICENSE

16 * * *

17 (d) ~~In addition to any other requirement of law or rule, a~~ Except as
18 provided in subsection (e) of this section:

19 (1) A citizen of a foreign country shall produce his or her passport and
20 visa, alien registration receipt card (green card), or other proof of legal
21 presence for inspection and copying as a part of the application process for an

1 operator license, junior operator license, or learner permit. ~~Notwithstanding~~
2 ~~any other law or rule to the contrary, an~~

3 (2) An operator license, junior operator license, or learner permit issued
4 to a citizen of a foreign country shall expire coincidentally with his or her
5 authorized duration of stay.

6 (e)(1) Notwithstanding subdivision (d)(1) of this section, a citizen of a
7 foreign country unable to establish legal presence in the United States who
8 furnishes proof of residence and of name, date of birth, and place of birth and
9 who otherwise satisfies the eligibility requirements of this chapter shall be
10 issued an operator license, junior operator license, or learner permit. The
11 license or permit shall expire at midnight on the eve of the second birthday of
12 the applicant following the date of issuance.

13 (2) The Commissioner shall require applicants under this subsection to
14 furnish a document or a combination of documents that reliably proves the
15 applicant's name, date of birth, and place of birth. The Commissioner may
16 prescribe the documents or combination of documents that meets these criteria.
17 However, the Commissioner shall accept the following documents, and shall
18 only require a combination of them if necessary, to establish name, date of
19 birth, and place of birth of an applicant:

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

1 (B) a valid consular identification document issued by the
2 government of Mexico or of Guatemala or by any other government with
3 comparable security standards and protocols, as determined by the
4 Commissioner; and

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

7 (3) The Commissioner shall require applicants under this subsection to
8 furnish a document or a combination of documents that reliably proves the
9 applicant's Vermont residency. The Commissioner may prescribe the
10 documents or combination of documents that meets these criteria. However,
11 the Commissioner shall accept the following documents as proof of Vermont
12 residency:

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

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

17 (i) a vehicle title or registration;

18 (ii) a document issued by a financial institution, such as a bank
19 statement;

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

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

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

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

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

6 (4) Application and issuance procedures. The Commissioner may
7 promulgate policies or adopt rules related to the issuance of licenses or permits
8 under this subsection that balance accessibility with mechanisms to prevent
9 fraud. The Commissioner shall consider adopting the appointment system
10 procedures used in other states to prevent and deter fraud with regard to proof
11 of residency.

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

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

2 § 115. NONDRIVER IDENTIFICATION CARDS

3 (a) Any Vermont resident may make application to the ~~commissioner~~
4 Commissioner and be issued an identification card which is attested by the
5 ~~commissioner~~ Commissioner as to true name, correct age, and any other
6 identifying data as the ~~commissioner~~ Commissioner may require which shall
7 include, in the case of minor applicants, the written consent of the applicant's
8 parent, guardian, or other person standing in loco parentis. Every application
9 for an identification card shall be signed by the applicant and shall contain
10 such evidence of age and identity as the ~~commissioner~~ Commissioner may
11 require, consistent with subsection (l) of this section. The ~~commissioner~~
12 Commissioner shall require payment of a fee of \$20.00 at the time application
13 for an identification card is made.

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

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* * *

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

8 (m) All identification cards that do not conform to the requirements of the
9 REAL ID Act of 2005, Pub. L. No. 109-13, §§ 201–202 (REAL ID), shall be
10 physically indistinguishable from each other, except as may be authorized with
11 regard to their expiration dates. On the date that the Secretary of the
12 U.S. Department of Homeland Security requires Vermont to comply fully with
13 REAL ID, all noncompliant identification cards shall be distinguished from
14 REAL ID-compliant identification cards in accordance with law.

15 Sec. 4. EFFECTIVE DATE

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