



2013 ASSEMBLY BILL 784

February 19, 2014 - Introduced by Representatives ZAMARRIPA, BIES, BARNES, BERCEAU, HINTZ, HULSEY, JOHNSON, KESSLER, MASON, MILROY, OHNSTAD, PASCH, SARGENT, ZEPNICK and RIEMER, cosponsored by Senators RISSER, HARRIS and LEHMAN. Referred to Committee on Transportation.

1 **AN ACT** *to renumber and amend* 343.14 (2) (br) and 343.14 (2) (es); *to amend*
2 343.03 (3m), 343.165 (1) (c), 343.165 (1) (e), 343.165 (3) (b), 343.165 (3) (c),
3 343.165 (4) (b), 343.165 (7) (a) (intro.), 343.20 (1m), 343.20 (2) (a), 343.50 (3) (a),
4 343.50 (5) (c) and 343.50 (6); and *to create* 343.14 (2) (br) 2., 343.14 (2) (es) 2m.
5 and 343.165 (7) (c) of the statutes; **relating to:** issuance of motor vehicle
6 operator's licenses and identification cards by the Department of
7 Transportation.

Analysis by the Legislative Reference Bureau

Under 2007 Wisconsin Act 20, certain provisions specified in the federal REAL ID Act of 2005 (REAL ID) were incorporated into state law and these provisions became effective on January 1, 2013. Among these provisions was the requirement that the Department of Transportation (DOT) follow certain procedures in processing applications for driver's licenses and identification cards. However, under 2011 Wisconsin Acts 23 and 32, DOT may process applications for driver's licenses and identification cards in a manner other than that required by REAL ID if the driver's licenses and identification cards are marked to indicate that they are not REAL ID compliant and DOT processes the applications in compliance with DOT practices and procedures applicable immediately prior to implementation of REAL ID.

ASSEMBLY BILL 784

Under current law, an applicant for a driver's license or identification card, regardless of whether it is REAL ID compliant or REAL ID noncompliant, must provide to DOT: 1) an identification document that includes either the applicant's photograph or both the applicant's full legal name and date of birth; 2) documentation showing the applicant's date of birth, which may be the same as item 1), above; 3) proof of the applicant's social security number or verification that the applicant is not eligible for a social security number; 4) documentation showing the applicant's name and address of principal residence; and 5) documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States. However, in processing an application for a REAL ID noncompliant driver's license or identification card, DOT is not required to meet the standards for document retention and verification that are imposed for REAL ID compliant products.

Under this bill, an applicant for a REAL ID noncompliant driver's license or identification card is not required to provide documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States. If the applicant does not have a social security number, the applicant is required to provide verification only that he or she does not have one, rather than verification that he or she is not eligible for one. In processing an application for, and issuing or renewing, a REAL ID noncompliant driver's license or identification card, DOT may not include any question or require any proof or documentation as to whether the applicant is a U.S. citizen or is otherwise lawfully present in the United States.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 343.03 (3m) of the statutes is amended to read:

2 343.03 **(3m)** NONCITIZEN TEMPORARY LICENSE. If the issuance of any license
3 described under sub. (3) requires the license applicant to present any documentary
4 proof specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the license shall display on the
5 front side of the license, in addition to any legend or label described in sub. (3), a
6 legend identifying the license as temporary. This noncitizen temporary license may
7 not be renewed except as provided in s. 343.165 (4) (c).

8 **SECTION 2.** 343.14 (2) (br) of the statutes is renumbered 343.14 (2) (br) 1. and
9 amended to read:

ASSEMBLY BILL 784

1 343.14 (2) (br) 1. ~~If~~ Except as provided in subd. 2., if the applicant does not have
2 a social security number, a statement made or subscribed under oath or affirmation
3 that the applicant does not have a social security number and is not eligible for a
4 social security number. The statement shall provide the basis or reason that the
5 applicant is not eligible for a social security number, as well as any information
6 requested by the department that may be needed by the department for purposes of
7 verification under s. 343.165 (1) (c). The form of the statement shall be prescribed
8 by the department, with the assistance of the department of children and families.
9 A license that is issued or renewed under s. 343.17 in reliance on a statement
10 submitted under this ~~paragraph~~ subdivision is invalid if the statement is false.

11 **SECTION 3.** 343.14 (2) (br) 2. of the statutes is created to read:

12 343.14 (2) (br) 2. If the applicant does not have a social security number and
13 the application is for an operator's license that contains the marking specified in s.
14 343.03 (3r) or an identification card that contains the marking specified in s. 343.50
15 (3) (b), a statement made or subscribed under oath or affirmation that the applicant
16 does not have a social security number. The form of the statement shall be prescribed
17 by the department, with the assistance of the department of children and families.
18 A license that is issued or renewed under s. 343.17 in reliance on a statement
19 submitted under this subdivision is invalid if the statement is false.

20 **SECTION 4.** 343.14 (2) (es) of the statutes is renumbered 343.14 (2) (es) 1m., and
21 343.14 (2) (es) 1m. (intro.), as renumbered, is amended to read:

22 343.14 (2) (es) 1m. (intro.) Subject to sub. (2g) (a) 2. d. and s. 343.125 (2) (a) and
23 (b), and except as provided in subd. 2m., valid documentary proof that the individual
24 is a citizen or national of the United States or an alien lawfully admitted for
25 permanent or temporary residence in the United States or has any of the following:

ASSEMBLY BILL 784**SECTION 5**

1 **SECTION 5.** 343.14 (2) (es) 2m. of the statutes is created to read:

2 343.14 **(2)** (es) 2m. Valid documentary proof under subd. 1m. is not required if
3 the application is for an operator's license that contains the marking specified in s.
4 343.03 (3r) or an identification card that contains the marking specified in s. 343.50
5 (3) (b).

6 **SECTION 6.** 343.165 (1) (c) of the statutes is amended to read:

7 343.165 **(1)** (c) Proof of the applicant's social security number or, except as
8 provided in sub. (7) (c) 2. and s. 343.14 (2g) (a) 4., verification that the applicant is
9 not eligible for a social security number.

10 **SECTION 7.** 343.165 (1) (e) of the statutes is amended to read:

11 343.165 **(1)** (e) Subject to ss. 343.125 (2) (a) and (b) and 343.14 (2g) (a) 2. d., and
12 except as provided in sub. (7) (c) 1. and s. 343.14 (2) (es) 2m., the documentary proof
13 described in s. 343.14 (2) (es) 1m.

14 **SECTION 8.** 343.165 (3) (b) of the statutes is amended to read:

15 343.165 **(3)** (b) The department may not accept any foreign document, other
16 than an official passport, to satisfy a requirement under sub. (1). This paragraph
17 does not apply to an application processed under sub. (7) (c).

18 **SECTION 9.** 343.165 (3) (c) of the statutes is amended to read:

19 343.165 **(3)** (c) For purposes of par. (a) and sub. (1) (c), if an applicant presents
20 a social security number that is already registered to or associated with another
21 person, the department shall direct the applicant to investigate and take appropriate
22 action to resolve the discrepancy and shall not issue any operator's license or
23 identification card until the discrepancy is resolved. The department shall adopt
24 procedures for purposes of verifying that an applicant is not eligible for a social
25 security number, except with respect to applications processed under sub. (7) (c).

ASSEMBLY BILL 784

1 **SECTION 10.** 343.165 (4) (b) of the statutes is amended to read:

2 343.165 (4) (b) The department shall establish an effective procedure to
3 confirm or verify an applicant's information for purposes of any application described
4 in par. (a). The procedure shall include verification of the applicant's social security
5 number or, except with respect to applications processed under sub. (7) (c),
6 ineligibility for a social security number.

7 **SECTION 11.** 343.165 (7) (a) (intro.) of the statutes is amended to read:

8 343.165 (7) (a) (intro.) The Subject to par. (c), the department may process an
9 application for, and issue or renew, an operator's license or identification card
10 without meeting the requirements under subs. (2) and (3) if all of the following apply:

11 **SECTION 12.** 343.165 (7) (c) of the statutes is created to read:

12 343.165 (7) (c) 1. Notwithstanding s. 343.14 (2) (f), in processing an application
13 for, and issuing or renewing, an operator's license that contains the marking
14 specified in s. 343.03 (3r) or an identification card that contains the marking
15 specified in s. 343.50 (3) (b), the department may not include any question or require
16 any proof or documentation as to whether the applicant is a citizen or national of the
17 United States or lawfully present in the United States.

18 2. For an application processed under this paragraph, if the applicant does not
19 provide proof of the applicant's social security number, the applicant shall provide
20 verification, in the manner described in s. 343.14 (2) (br) 2., that the applicant does
21 not have a social security number.

22 **SECTION 13.** 343.20 (1m) of the statutes is amended to read:

23 343.20 (1m) Notwithstanding sub. (1) (a) and (e), and except as provided in s.
24 343.165 (4) (c) and as otherwise provided in this subsection, a license that is issued
25 to a person who is not a United States citizen or permanent resident and who

ASSEMBLY BILL 784**SECTION 13**

1 provides documentary proof of legal status as provided under s. 343.14 (2) (es) ~~2., 4.,~~
2 ~~5., 6., or 7.~~ 1m. b., d., e., f., or g. shall expire on the date that the person's legal presence
3 in the United States is no longer authorized or on the expiration date determined
4 under sub. (1), whichever date is earlier. If the documentary proof as provided under
5 s. 343.14 (2) (es) 1m. does not state the date that the person's legal presence in the
6 United States is no longer authorized, sub. (1) shall apply except that, if the license
7 was issued or renewed based upon the person's presenting of any documentary proof
8 specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the license shall, subject to s. 343.165
9 (4) (c), expire one year after the date of issuance or renewal. This subsection does not
10 apply to a license that contains the marking specified in s. 343.03 (3r).

11 **SECTION 14.** 343.20 (2) (a) of the statutes is amended to read:

12 343.20 (2) (a) At least 30 days prior to the expiration of an operator's license,
13 the department shall provide to the licensee notice of renewal of the license either
14 by mail at the licensee's last-known address or, if desired by the licensee, by any
15 electronic means offered by the department. If the license was issued or last renewed
16 based upon the person's presenting of any documentary proof specified in s. 343.14
17 (2) (es) ~~4. to 7.~~ 1m. d. to g., the notice shall inform the licensee of the requirement
18 under s. 343.165 (4) (c).

19 **SECTION 15.** 343.50 (3) (a) of the statutes is amended to read:

20 343.50 (3) (a) The card shall be the same size as an operator's license but shall
21 be of a design which is readily distinguishable from the design of an operator's license
22 and bear upon it the words "IDENTIFICATION CARD ONLY." The information on
23 the card shall be the same as specified under s. 343.17 (3). If the issuance of the card
24 requires the applicant to present any documentary proof specified in s. 343.14 (2) (es)
25 ~~4. to 7.~~ 1m. d. to g., the card shall display, on the front side of the card, a legend

ASSEMBLY BILL 784

1 identifying the card as temporary. The card shall contain physical security features
2 consistent with any requirement under federal law. The card may serve as a record
3 of gift under s. 157.06 (2) (t) and the holder may affix a sticker thereto as provided
4 in s. 343.175 (3). The card may also serve as a record of refusal under s. 157.06 (2)
5 (u). Except as provided in sub. (4g), the card shall contain the holder's photograph
6 and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

7 **SECTION 16.** 343.50 (5) (c) of the statutes is amended to read:

8 343.50 (5) (c) Except as provided in s. 343.165 (4) (c) and as otherwise provided
9 in this paragraph, an identification card that is issued to a person who is not a United
10 States citizen and who provides documentary proof of legal status as provided under
11 s. 343.14 (2) (es) 1m. shall expire on the date that the person's legal presence in the
12 United States is no longer authorized or on the expiration date determined under
13 par. (b), whichever date is earlier. If the documentary proof as provided under s.
14 343.14 (2) (es) 1m. does not state the date that the person's legal presence in the
15 United States is no longer authorized, then the card shall be valid for the period
16 specified in par. (b) except that, if the card was issued or renewed based upon the
17 person's presenting of any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7.~~
18 1m. d. to g., the card shall, subject to s. 343.165 (4) (c), expire one year after the date
19 of issuance or renewal. This paragraph does not apply to an identification card that
20 contains the marking specified in sub. (3) (b).

21 **SECTION 17.** 343.50 (6) of the statutes is amended to read:

22 343.50 (6) RENEWAL NOTICE. At least 30 days prior to the expiration of an
23 identification card, the department shall provide to the card holder notice of renewal
24 of the card either by mail at the card holder's last-known address or, if desired by
25 the card holder, by any electronic means offered by the department. If the card was

ASSEMBLY BILL 784**SECTION 17**

1 issued or last renewed based upon the person's presenting of any documentary proof
2 specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the notice shall inform the card holder
3 of the requirement under s. 343.165 (4) (c). The department shall include with the
4 notice information, as developed by all organ procurement organizations in
5 cooperation with the department, that promotes anatomical donations and which
6 relates to the anatomical donation opportunity available under s. 343.175. The
7 department may renew an identification card by mail or by any electronic means
8 available to the department, but the department may not make consecutive renewals
9 by mail or electronic means.

10 **SECTION 18. Initial applicability.**

11 (1) This act first applies to applications received by the department of
12 transportation on the effective date of this subsection.

13 **SECTION 19. Effective date.**

14 (1) This act takes effect on the first day of the 3rd month beginning after
15 publication.

16 (END)