

HOUSE RESEARCH

Bill Summary

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Overview

This bill makes various changes to driver's license laws, including: codifying Minnesota Rules governing documents necessary to obtain a driver's license, permit, or Minnesota identification card; requiring residency in the state of Minnesota in order to obtain a license or Minnesota identification card; establishing requirements governing proof of residency; creating a status check date on certain driver's licenses, permits, and Minnesota identification cards; establishing procedures governing cancellation of a driver's license, permit, or Minnesota identification card; identifying applicable fees.

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1 **Proof of identity and residence.** Adds § 171.025. Establishes requirements for obtaining a driver's license, permit, or Minnesota identification card, including proof of identity and residence in the state.

Subd. 1. In general. Requires that an applicant for a driver's license, permit, or Minnesota identification card provide an existing one if possessed. An applicant must provide proof of full name, date of birth, and identity by presenting:

- (1) a current driver's license, permit, or identification card, or one that has recently expired (either within the last five years if it has a color photo or digital image, or within the last year if it has a non-color photo or digital image); or
- (2) if the item in (1) cannot be produced, a primary and a secondary document as

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defined in Minnesota Rules, part 7410.0400, subparts 2 and 3.

Language similar to this proposal currently exists in Minnesota Rules.

Subd. 2. Residence address on license, permit, or identification card. Requires that a license, permit, or Minnesota identification card only be provided to an applicant who has a residence address within the state and indicates it on the application.

- 2 Documenting residency; rules and regulations.** Adds § 171.028. Establishes requirements and rules governing driver's licenses, permits, and Minnesota identification cards, including: incorporation of federal rules, an English translation requirement, requirements for proof of residency, requirements for evidence of a name change, inclusion of a status check date, and rules for reissuance.

Subd. 1. State rules variance procedures. Specifies that documents specified in rules for documenting residency are subject to the variance procedures and criteria in rules .

Subd. 2. Incorporation of federal regulations. Allows the Commissioner of Public Safety to incorporate federal rules relating to identity and residency. The rules may be amended following the Administrative Procedure Act.

Subd. 3. Non-English documents; translation. Requires that all documents submitted to the Department of Public Safety be translated into English if not already in English.

Subd. 4. Proof of residency required at time of application. Requires proof of citizenship or lawful admission to the United States, and attesting to residence address in Minnesota, when applying for an initial driver's license, permit, or Minnesota identification card.

Subd. 5. Proof of residency at renewal. Requires proof of citizenship or lawful admission to the United States, and attesting to residence address in Minnesota, when applying for renewal of a driver's license, permit, or Minnesota identification card.

Subd. 6. Documents not sufficient to prove residency. Eliminates a driver's license, permit, or identification card from another state or jurisdiction as acceptable proof of residency status.

Subd. 7. Documents sufficient to prove residency. Requires that an applicant must indicate a Minnesota residence address on the application form and present a primary document as specified in Minnesota Rules to prove residency status.

Subd. 8. Evidence required when name changed. Requires evidence of a change of name if it has been changed on a primary document.

Subd. 9. Lawful short-term admission status. Requires that if the period of lawful short-term admission expires in more than 30 days, a driver's license, permit, or Minnesota identification card must be issued with a status check date matching the end of the lawful admission period. If it expires in 30 days or less, or if a person has no lawful admission, a driver's license, permit, or Minnesota identification card can not be issued.

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Subd. 10. Status check date. Requires that a driver's license, permit, or Minnesota identification card include a status check date that matches the end of the lawful admission period on the primary document.

Subd. 11. Reissuance. Requires that a driver's license, permit, or Minnesota identification card be reissued:

- ▶ with a new status check date, if the applicant presents an employment authorization card or notice of action with an extended admission period;
- ▶ with a status check date extended by six months, if the applicant presents an accepted application for extension to the admission period; or
- ▶ without a status check date, if the applicant pays the duplicate fee and presents a federal document indicating a status of permanent resident, indefinite authorized presence, or citizenship.

3 Legal immigrants and refugees; status. Requires the Department of Public Safety to ensure that a status check date is not placed on a driver's license or Minnesota identification card if the applicant has indefinite authorized presence status, is a United States resident, or is a citizen. Requires that a duplicate card be issued free of charge if this occurs.

4 Contents of application; other information. Adds description of an applicant's height, weight, and eye color as items that the Commissioner of Public Safety may include on an application for a driver's license, permit, or Minnesota identification card.

5 License; contents. Requires that an applicant's height, weight, eye color, and sex be included on a license.

6 Identification card; fee. Prevents issuance of a Minnesota identification card until any license or identification card from another jurisdiction has been invalidated. Requires that an applicant's height, weight, eye color, and sex be included on a Minnesota identification card.

7 Driver's image for license, permit, or card. Requires that a full face image that is uncovered and unobscured be taken of an applicant for a driver's license, permit, or Minnesota identification card.

Limits use of previous images to duplicate licenses and Minnesota identification cards, as well as one renewal cycle for persons certified to be out of state at the time of renewal. For those who were out of state, an updated image is required within 30 days of return to the state of Minnesota.

Allows an applicant who objects to having a full-face image taken to apply for a variance, in which case the applicant must either allow the image to be put on file or provide a biometric identifier (such as a fingerprint).

8 Cancellation. Establishes procedures governing cancellation of a driver's license, permit, or Minnesota identification card.

Subd. 1. Authority. Adds authority for the Commissioner of Public Safety to cancel a Minnesota identification card. Makes technical changes.

Subd. 2. Cancellation; denial. Directs the Commissioner of Public Safety to cancel a driver's license, permit, or Minnesota identification card (1) on the status check date,

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unless presented with proof of extension of the admission period, receipt of application for extension of the admission period, or change in admission status, or (2) upon notice that the individual has been deported.

Subd. 3. Warning of possible cancellation. Establishes procedures for the Department of Public Safety to issue (more than 60 days in advance) a notice warning individuals whose status check date is expiring that the driver's license, permit, or Minnesota identification card is going to expire.

Subd. 4. Cancellation order. Establishes procedures for the Department of Public Safety to issue a cancellation order (at least seven days before the cancellation date) to individuals that the driver's license, permit, or Minnesota identification card is canceled.

Subd. 5. Administrative review. Makes any administrative review of cancellation subject to Minnesota Rules.

Subd. 6. Fees. Establishes that:

- ▶ there is no fee for reissuance of a driver's license, permit, or Minnesota identification card if the applicant applies before expiration for a six-month extension of the status check date and there is no change in address;
- ▶ there is a duplicate card fee if the applicant has an extended admission period, whether it is current or expired;
- ▶ there is a renewal fee upon expiration of a driver's license, permit, or Minnesota identification card.

9 Penalties. Makes providing fraudulent information, concealing a material fact, or making a false statement on a driver's license application a gross misdemeanor.