

**Subject** Driver's license and identification card requirements

**Authors** Winkler and others

**Analyst** Matt Burress (matt.burress@house.mn)

**Date** April 16, 2019

## Overview

This bill makes modifications related to driver's license and Minnesota identification cards, to:

- allow a person to obtain a driver's license or Minnesota identification card without providing proof of legal presence in the United States;
- permit additional forms of documentation to establish identity and residency in order to obtain the license or identification card;
- establish various limitations on data sharing related to application and issuance of the licenses and identification cards;
- establish nondiscrimination protections related to the licenses and identification cards;
- create a civil penalty for violations of data practices and nondiscrimination provisions;
- eliminate restrictions on administrative rulemaking governing driver's licenses and identification cards;
- appropriate funds for implementation and enforcement costs;
- prevent election day voter registration using the licenses and identification cards; and
- make conforming and clarifying changes.

## Article 1: Licenses and Identification Cards

This article makes changes related to noncompliant driver's licenses and noncompliant Minnesota identification cards, which are forms of licenses and identification cards that are not compliant with the federal REAL ID Act for federal identification. It expands eligibility so that proof of lawful presence is not required to obtain the license or identification card, adds to the list of documents that can be used in the application process to prove identity (building on document lists established in administrative rules), identifies associated card marking changes, makes appropriations, and eliminates a restriction on rulemaking.

Section	Description
1	<p><b>Temporary lawful admission.</b></p> <p>Makes a technical change, to clarify application of a provision on issuing licenses and ID cards to those who have temporary admission into the United States.</p>
2	<p><b>Content of application; other information.</b></p> <p>Eliminates a certification requirement related to Social Security number eligibility.</p>
3	<p><b>Noncompliant license or identification card; lawful status.</b></p> <p>Paragraph (a) establishes that a person may obtain a noncompliant driver's license or Minnesota identification card (i.e., one that does not fully comply with REAL ID Act requirements) without showing proof of legal presence in the United States.</p> <p>Paragraph (b) makes an administrative rule on documenting legal status no longer apply to applications for a noncompliant license or identification card. This has the effect of eliminating temporary marking on the noncompliant licenses and cards.</p> <p>Paragraphs (c) and (d) disqualify an applicant who is listed in a problem driver system or in various specified federal criminal registries.</p>
4	<p><b>Noncompliant license or identification card; general requirements.</b></p> <p>Sets requirements on legibility, certification, translation, and name change documentation related to documents that are being added under the bill as acceptable to show identity. Prevents reuse of a document as both primary and secondary.</p>
5	<p><b>Noncompliant license or identification card; primary documents.</b></p> <p>Identifies additional forms of documentation as permissible <i>primary</i> documents that can be used to prove identity for noncompliant license and identification card applications. This is in addition to documents currently specified in administrative rules. The submitted documentation must have security features.</p> <p>The specified documentation consists of: (1) a Minnesota license or identification card previously issued to a person who did not provide proof of lawful presence; (2) a foreign passport; (3) a consular identification card; and (4) a foreign birth certificate.</p>
6	<p><b>Noncompliant license or identification card; secondary documents.</b></p> <p>Identifies several additional forms of documentation as permissible <i>secondary</i> documents that can be used to prove identity for noncompliant license and identification card applications. This is in addition to documents currently specified in administrative rules.</p>
7	<p><b>License; contents and design.</b></p> <p>Requires marking a driver's license with "not for voting" on the front side of the document, for licenses issued in some situations where the applicant is not providing</p>

Section	Description
	proof of citizenship. Prohibits any further indications on the document regarding lawful presence. Makes technical changes.
8	<b>Identification card; content and design; fee.</b> Requires marking a Minnesota identification card with “not for voting” on the front side of the document, for cards issued in some situations where the applicant is not providing proof of citizenship. Prohibits any further indications on the document regarding lawful presence. Makes technical changes.
9	<b>Identification card expiration.</b> Makes identification cards expire after two years (or possibly earlier for applicants under age 21) when issued with the “not for voting” marking.
10	<b>Voting offenses.</b> Requires permanent revocation of a driver’s license marked as “not for voting” held by a person who voted in an election, following notification from the secretary of state.
11	<b>Expiration of license; military exception.</b> Makes driver’s licenses expire after two years (or possibly earlier for applicants under age 21) when issued with the “not for voting” marking.
12	<b>Appropriations.</b> Appropriates \$267,000 from the general fund in fiscal year 2019 to the Department of Public Safety for implementation, as a onetime appropriation.
13	<b>Repealer.</b> Repeals a prohibition on Department of Public Safety rulemaking. The prohibition prevents the department from modifying current administrative rules related to driver’s licenses and Minnesota identification cards (including on documentation of identity and residency, duplicate licenses and cards, and variances).
14	<b>Effective date.</b> Makes the bill effective October 1, 2019.

## Article 2: Data Protections

This article provides for data protections related to applicants and driver’s license and identification card holders who have not demonstrated lawful presence.

Section	Description
1	<b>Noncompliant license or identification card; lawful status.</b> Makes a technical change, to create a cross reference in the chapter on data practices to the data provisions being established in the bill.
2	<b>Disclosure of personal information.</b> Establishes that mandated driver's license and identification data disclosure for public safety does not authorize disclosure of data that is otherwise restricted for a driver's license or identification card for which the person has not demonstrated lawful presence (as established in section 4).
3	<b>Driving record disclosure to law enforcement.</b> Prevents driving record data disclosure to law enforcement agencies if restricted for a driver's license or identification card for which the person has not demonstrated lawful presence (as established in section 4).
4	<b>Certain data on noncompliant license or identification card; department and agents.</b> Prohibits the Department of Public Safety as well as driver's license agents from disclosing data related to the status of the applicant or license or card holder regarding demonstration of citizenship or lawful presence in the United States. The prohibition includes applications, denials, and issuances that would indicate or have the effect of identifying the individual, and includes preventing dissemination to (1) federal agencies, (2) state agencies, and (3) local units of government.
5	<b>Certain data on noncompliant license or identification card; criminal justice.</b> Prohibits law enforcement, prosecutors, and other enforcement officials from taking any action that is specifically based on a driver's license or identification card that is marked to indicate that the person has not demonstrated citizenship or lawful presence.

### Article 3: Elections

This article provides for election day voter registration and election official training related to driver's license and identification card holders who have not demonstrated citizenship or lawful presence in the United States.

Section	Description
1	<b>Election day registration.</b> Prohibits a person from proving identity and residence for purposes of election day voter registration using a driver's license or identification card for which the person has not demonstrated lawful presence.

Section	Description
2	<p><b>County notification; election judge training.</b></p> <p>Directs the Secretary of State to inform county auditors about not accepting a driver's license or identification card for which the person has not demonstrated lawful presence for election day voter registration. Directs county auditors to inform election officials and include information on the topic in election judge training.</p>



**MN HOUSE  
RESEARCH**

*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155