

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

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### **Overview**

This bill modifies eligibility, documentation, data sharing, and related requirements for a driver's license or Minnesota identification card, including to:

- allow a person to obtain a driver's license or Minnesota identification card without showing proof of legal presence in the United States;
- permit additional forms of documentation to establish identity and residency when applying for a license or identification card;
- prevent special marking on the license or identification card that is related to demonstration of lawful presence;
- eliminate restrictions on administrative rulemaking that governs driver's licenses and identification cards;
- establish various limitations on data sharing related to application and issuance of driver's licenses and identification cards;
- appropriate funds for implementation and enforcement costs; and
- make conforming and clarifying changes.

### **Article 1: Licenses and Identification Cards**

This article makes changes related to "noncompliant" driver's licenses and Minnesota identification cards, which are forms of licenses and identification cards that do not fully comply with the federal REAL ID Act. 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), restricts card marking, makes appropriations, and eliminates a restriction on rulemaking.

**Section Description – Article 1: Licenses and Identification Cards**

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**1 Temporary lawful admission.**

Makes a conforming change, to clarify a provision on issuing licenses and identification cards to those who have temporary admission into the United States so that it only applies to the REAL ID compliant versions.

**2 Content of application; other information.**

Eliminates a requirement that an applicant makes a certification related to Social Security number eligibility in some circumstances.

**3 Noncompliant license or identification card; lawful status.**

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.

Paragraph (b) makes an administrative rule on documenting legal status no longer apply to applications for a noncompliant license or identification card. This also has the effect of eliminating marking as temporary on the noncompliant licenses and cards.

**4 Noncompliant license or identification card; general requirements.**

Sets requirements on legibility, certification, translation, and name change documentation for documents that are added in the bill as acceptable to demonstrate identity. Requires a waiver process. Prevents reuse of a document as both primary and secondary.

**5 Noncompliant license or identification card; primary documents.**

Makes additional forms of documentation permissible as primary 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 added documents 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 certified foreign birth certificate.

**6 Noncompliant license or identification card; secondary documents.**

Makes a list of several additional forms of documentation permissible as secondary 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.)

**Section Description – Article 1: Licenses and Identification Cards**

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- 7 **License; contents and design.**  
Prohibits any marking indications on a driver’s license that relate to the license holder’s lawful presence. Makes technical changes, including to clarify that document marking of temporary status only applies to REAL ID compliant licenses.
- 8 **Identification card; content and design; fee.**  
Prohibits any marking indications on a Minnesota identification card that related to the card holder’s lawful presence. Makes technical changes, including to clarify that document marking of temporary status only applies to REAL ID compliant identification cards.
- 9 **Appropriations.**  
Appropriates \$267,000 from the general fund in fiscal year 2021 to the Department of Public Safety for implementation, as a onetime appropriation.
- 10 **Repealer.**  
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).
- 11 **Effective date.**  
Makes the bill effective October 1, 2021.

## **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 – Article 2: Data Protections**

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- 1 **Noncompliant license or identification card; lawful status.**  
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 **Disclosure of personal information.**  
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 in which the person has not demonstrated lawful presence (as established in section 4).

**Section Description – Article 2: Data Protections**

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**3 Driving record disclosure to law enforcement.**

Prevents driving record data disclosure to law enforcement agencies if restricted for a driver's license or identification card in which the person has not demonstrated lawful presence (as established in section 4).

**4 Certain data on noncompliant license or identification card; department and agents.**

Prohibits the Department of Public Safety as well as driver's license agents from disclosing data related to an applicant's or license or card holder's 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.



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