



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL


Department of Administration

DIVISION OF MOTOR VEHICLES
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Memorandum

To: Representative Bob Lynn
Attn: Forrest Wolfe

From: Amy Erickson 
Director
Division of Motor Vehicles

Date: March 12, 2013

Subject: HB 1, "An Act relating to issuance of drivers' licenses."

HB 1 adds a new section to Alaska Statute to allow the DMV to issue a driver's license to expire in conjunction with the expiration date of an individual's lawful stay in the United States. Currently, the DMV issues driver's licenses for five years even if a person's documentation authorizes their stay for less than five years. HB 1 also provides that the DMV may issue a one-year license if a person is authorized to stay in the United States indefinitely.

You asked me to comment on correspondence from Ms. Margaret Stock, an Anchorage lawyer, to Mr. Ernest Prax of Representative Keller's staff. I am pleased to comment on the items in bold, which Ms. Stock believes will "create significant problems" for the Division of Motor Vehicles (DMV).

The bill would require DMV to become expert in more than 80 different types of non-immigrant and other statuses. HB 1 does not change the manner in which DMV conducts its business. The DMV inspects documents each and every day as part of its normal business practices, and the length of time a person is authorized to stay in the United States is clearly marked on the documents. When a person's status changes, they are provided documentation to support the change, and the DMV issues a license based on that documentation.

The DMV does not currently employ any immigration or citizenship attorneys who can keep up on the constant changes in federal laws, regulations, and policies. It is not necessary for the DMV to employ immigration or citizenship attorneys to keep up with federal changes. If

the DMV is unable to determine exactly when a person's documents expire, or their stay is indeterminate, the DMV will issue a one-year license.

The bill will lead to expensive litigation. The DMV is unable to find evidence of the amount of or expense of any litigation as a result of language contained in HB 1.

The bill would have the Alaska DMV enforcing federal immigration law. The DMV will not be called upon to enforce federal immigration law. The DMV relies on documents provided by the federal government to individuals, and makes determinations solely on the documents provided.

The new statute will mostly affect legally present foreigners who will be forced to return repeatedly to the DMV to get new drivers' licenses, and to bring their immigration lawyers with them to explain their immigration statuses. The DMV issues licenses based on the documents provided. Having an immigration lawyer "explain" status will not suffice for purposes of issuing a driver's license. If a person is legal, and has documentation, the DMV will issue a license for the duration of their lawful stay, or for one year if their stay is indeterminate.

Although the Alaska DMV has access to one federal system that can be used to verify some people's statuses (the SAVE system), the Alaska DMV does not currently have access to the electronic databases that would verify the status of foreign students (SEVIS) or the federal immigration databases maintained by DHS that govern visitors or certain federal workers. While the DMV does have the ability to access the Systematic Alien Verification for Entitlements (SAVE) system, it is very costly, and, therefore, not used at this time. DMV employees go through weeks of training to read and decipher documents, and when questions arise, DMV seeks counsel from local U.S. Citizenship and Immigration Service (USCIS), and Immigration and Customs Enforcement (ICE).