

HB

40

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES



House Transportation Committee
State Capitol, Room 17
465-4858



Rep Jim Holm
Rep Beverly Masek
Co-Chairs
Members:

Rep Hugh Fate, Rep Mary Kapsner, Rep Vic Kohring, Rep Albert Kookesh, Rep. Dan Ogg

DATE: April 22, 2003
TO: House Transportation Committee Members
FROM: Barbara Cotting, Committee Aide

Attached is the proposed committee substitute for HB 40 which will be up again in House Transportation on Thursday, April 24.

The CS appears to address all the changes and concerns expressed by committee members. If you have questions give me a call. Thanks.

adopted 4/24/03

23-LS0262VH
Ford
4/16/03

CS FOR HOUSE BILL NO. 40(TRA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES LYNN, Chenault

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to issuance of identification cards and to issuance of driver's licenses."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 18.65.310 is amended by adding a new subsection to read:

4 (h) The department may not issue an identification card under (a) of this
5 section to a person who is not a citizen of the United States or who is not an alien
6 lawfully admitted into the United States. In this subsection, "alien" means a person
7 who is not a citizen or national of the United States.

8 *** Sec. 2.** AS 28.15.031(b) is amended to read:

9 (b) The department may not issue an original or duplicate driver's license to,
10 nor renew or reinstate the driver's license of, a person

11 (1) whose license is suspended or revoked, except as otherwise
12 provided in this chapter;

13 (2) who fails to appear in court for the adjudication of a certain
14 vehicle, driver, or traffic offense when the person's appearance is required by statute,
15 regulation, or court rule;

1 (3) who is an habitual user of alcohol or another drug to such a degree
2 that the person is incapable of safely driving a motor vehicle;

3 (4) [REPEALED

4 (5)] when the department, based upon medical evidence, has
5 determined that, because of the person's physical or mental disability, the person is not
6 able to drive a motor vehicle safely;

7 (5) [(6)] who is unable to understand official traffic control devices as
8 displayed in this state or who does not have a fair knowledge of traffic laws and
9 regulations, as demonstrated by an examination;

10 (6) [(7)] who has knowingly made a false statement in the person's
11 application for a license or has committed fraud in connection with the person's
12 application for, or in obtaining or attempting to obtain, a license, or who has not
13 applied under oath on the form provided for the purpose of obtaining or attempting to
14 obtain a license or permit;

15 (7) [OR (8)] who is required under AS 28.20 to furnish proof of
16 financial responsibility and who has not done so; or

17 (8) who is not a citizen of the United States or who is not an alien
18 lawfully admitted into the United States; in this paragraph, "alien" means a
19 person who is not a citizen or national of the United States.


Subject: Original License - DMV
Date: Tue, 15 Apr 2003 16:23:41 -0800
From: Duane Bannock <duane_bannock@admin.state.ak.us>
Organization: State of Alaska
To: Barbara C Cotting <barbara_cotting@legis.state.ak.us>

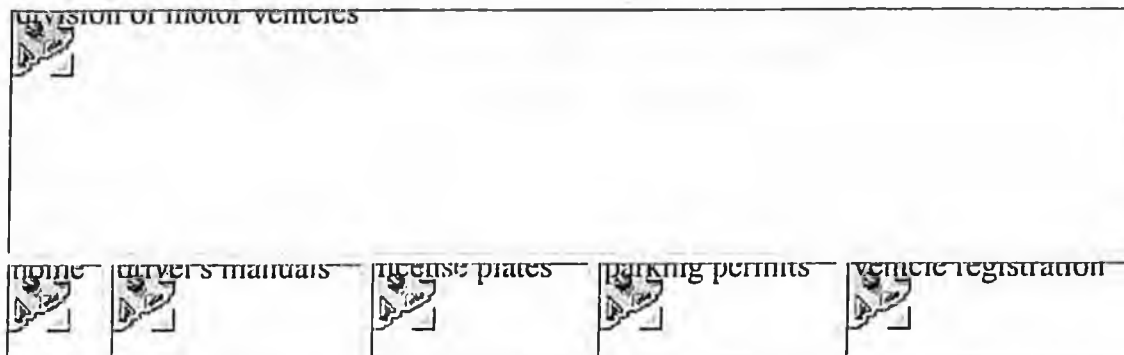
Barbara-

Here are the requirements! Thanks for your help today in getting our bill(s) moving.

Duane Bannock
Director, Motor Vehicles

<http://www.state.ak.us/local/akpages/ADMIN/dmv/akol/original.htm>

 <u>original.htm</u>	Name: original.htm Type: Hypertext Markup Language (text/html) Encoding: 7bit
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Original License

- [Alaska Driver Manuals](#)

An applicant for an original Alaska driver license must be at least 16 years of age and have held a valid driving permit for a minimum of 6 months. If an applicant is under 18 years of age, they must have parental consent to obtain a license. An applicant is required to furnish two pieces of identification, one to prove date of birth and one to prove identity.

The following documents are acceptable for proving date of birth:

- An original or certified copy of a U.S. or Canadian birth certificate (From Vital Statistics)
If you do not have any of the other items on this list, and you were not born in Alaska, please see the following site for information on how to obtain a certified copy of your birth certificate. Please be aware that this is a large document (41 pages) and may take a long time to load from your computer.
http://www.cdc.gov/nchs/data/w2w11_99.pdf
- A Passport issued by the United States or Canada
http://travel.state.gov/passport_easy.html
- An Alaska learner's permit or other state issued permit with a photo.
- An identification card issued by a State DMV office or Canadian DMV.
- Military Identification for active duty, retiree or reservist.

NOTE: With **two items** from the list above, an identity document (listed below) is not required.

The following documents are acceptable for proving identity:

- Photographic employee identification card
- A social security card (If a number has been assigned to you, it is required on the application). Metal card is not acceptable. <http://www.ssa.gov>
- Military Identification for dependent
- Passport
- Pilot's License
- Marriage license or certificate
- Other evidence of comparable validity approved by a DMV supervisor


NOTE: Rent receipts, credit cards and similar types of items that can be obtained through the mail are NOT acceptable as identity documents.

An applicant will be required to pass the written knowledge test (or present a valid Alaska learner's permit), a road test, and a vision test prior to being issued a driver license. The license is valid for approximately five years, expiring on the applicants birthday. See the following page for fees.

PRECAUTIONARY MEASURES: Once you have obtained your driver license, it is important to carry it in a safe place. Do not leave it in a place where it can easily be lost or stolen. If it does become lost or stolen, the following items (kept at home in a safe place) will make it much easier for you to obtain a duplicate:

much easier for you to obtain a duplicate.

- The original documents used to obtain your license.
- Obtain a state identification card.

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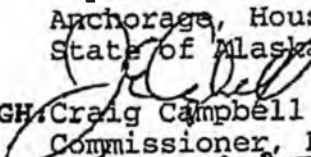
[Driver License - Reinstatement - DMV HOME PAGE - Dept. of Administration - State](#)

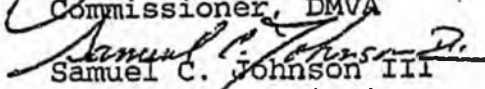
MEMORANDUM

STATE OF ALASKA

Department of Military and Veterans Affairs
Office of Homeland Security and Emergency Services

TO: Representative Bob Lynn
Anchorage, House 31
State of Alaska

THROUGH:  Craig Campbell
Commissioner, DMVA

FROM:  Samuel C. Johnson III
Assistant Commissioner
Office of Homeland Security
and Emergency Services

DATE: April 9, 2003

FILE: 2.3

PHONE: 428-7000

SUBJECT: House Bill NO. 40

The Office of Homeland Security and Emergency Services support your efforts to enhance our Alaska Homeland Security objectives. Your proposed House Bill No. 40 would provide an additional tool to improve the security of Alaska. As we strive to enhance the safety of all Alaskans, we must balance our desires to improve our safety with our desire to preserve our freedoms. Your leadership on this important matter is greatly appreciated.

State of Alaska Division of Motor Vehicles Standard Operating Procedures	SOP No. D-20	Page No. 1 - 3
	Effective Web Site	
Subject: IDENTIFICATION AND PROOF OF DATE OF BIRTH	Supersedes D-20	Dated 6/1/00
	Approved	
Statute: AS 28.15.061	Regulation: 13 AAC 08.330 (b)	Form No.

ORIGINAL ALASKA DRIVER'S LICENSE or IDENTIFICATION CARD

Every person who makes an original application for a driver's license or permit must furnish documentary proof of his/her date of birth (See Primary Identification Documents) and at least one form of identification to verify his/her name (See Secondary Identification Documents). IF A PERSON HAS A VALID PHOTO DRIVER'S LICENSE ISSUED BY A STATE DMV, NO OTHER IDENTIFICATION IS REQUIRED.

CERTIFICATION BY CORRECTIONS, PROBATION OR ALASKA CHILDREN'S SERVICES IS NOT ACCEPTABLE.

PRIMARY IDENTIFICATION DOCUMENTS

1. An original or certified copy of a United States or Canadian birth certificate. The certificate must have a raised seal and be issued by an authorized government agency such as the Bureau of Vital Statistics or State Board of Health. Hospital issued certificates and baptismal certificates are not acceptable.
2. Canadian Department of Indian Affairs issued identification card. (Tribal issued card is not acceptable. A U.S. issued Department of Indian Affairs card is not acceptable.)
3. Court order which must contain the individual's full name, date of birth and court seal. Some examples include an adoption document, a name change document, gender change document, etc. It does not include an abstract of criminal or civil conviction.
4. Drivers license/permit issued by a State/Canadian DMV. Cannot be expired over one year.
5. Identification card issued by a State or Canadian DMV. Cannot be expired over one year.
6. Microfilm/copy of a drivers license issued by a State or Canadian DMV, provided it has been certified by DMV.
7. Microfilm/copy of an identification card that has been certified by the issuing DMV.
8. Military identification card for active duty, retiree or reservist. (Service member only. Dependent military ID's are not acceptable as a primary document.)
9. Passport - U.S. or Canadian.
10. Report of Birth Abroad by a Citizen of the United States, issued by a U.S. consular officer.
11. The following Immigration and Naturalization Service (INS) documents are acceptable. The document must be an original and expired documents are unacceptable:
 - a) Certificate of Naturalization (N-550, N-570, or N-578)
 - b) Certificate of Citizenship (N-560, N-561, or N-645)
 - c) Northern Marianas Card
 - d) American Indian Card
 - e) United States Citizen Identification Card (I-179 or I-197)
 - f) Resident Alien Card or Permanent Resident Card (I-551)
 - g) Temporary Resident Card (I-688)
 - h) Arrival-Departure Record (In a valid foreign passport) (I-94)
 - i) Valid foreign passport containing an I-551 stamp
 - j) Re-entry Permit (I-327)
 - k) Refugee Travel Document (I-571)

- l) Employment Authorization Card or Employment Authorization Document (I-688A, I-688B, or I-766)
- m) Arrival-departure Record stamped "Refugee" (I-94) (Refugee's I94 will not likely be in a foreign passport)
- n) Canadian Immigration Record and Visa or Record of Landing (IMM 100).

SECONDARY IDENTIFICATION DOCUMENTS

1. All primary documents
2. Bureau of Indian Affairs card or an Indian Treaty Card. (Some tribal cards are more reliable than the BIA card. DMV's can make their own determination.)
3. Driver license or ID card that has been expired over a year.
4. Court order that does not contain the applicant's date of birth.
5. Photographic employer identification card.
6. Foreign birth certificate.*
7. Foreign passport.*
8. Health insurance card [Blue Cross/Shield, Kaiser, Aetna, or a Health Maintenance Organization (HMO)].
9. Internal Revenue Service (IRS) or state tax form. A W-2 form is not acceptable.
10. Marriage license or certificate.
11. Individual's medical records from a doctor or a hospital.
12. Military dependent identification.
13. Military discharge or separation papers. (DD214)
14. Parent or guardian affidavit for minors, only. The parent or guardian must appear in person and prove their identity and submit a certified or notarized affidavit regarding the child's identity.
15. Gun permit.
16. Pilot's license.
17. Certified school record or transcript.
18. Social Security card (D-17). A metal card is not acceptable.
19. Photographic school identification card.
20. Vehicle title. A vehicle registration is not acceptable.
21. Welfare card.
22. Prison release document.

*See the following page for further information on foreign documents.

LOST ALASKA DRIVER LICENSE/PERMIT/I.D. CARD REQUIREMENTS:

- Two items from either the primary or secondary identification document list. In offices with ALVIN terminals the information on the computer may be used in place of one of the items provided the person can verify address, date of birth, place of birth, Social Security number and the physical description matches.
- Offices without computer terminals must contact a terminal office to verify that the status of the license is clear, in addition to the requirement of two items.
- In extreme cases, you may request a photo of the applicant from the Department of Public Safety, OL Photos. Examples of extreme cases are when an applicant is the victim of a house fire or when all identification documents have been lost or stolen. In these cases, request the photo by e-mail or by calling OLPHOTOS. (Appendix D) Please include the full name of the applicant and their license or identification number, as well as the SSN and DOB, if available.

NOTE: Rent receipts, credit cards, and similar type documents are not to be used as proof of identity for issuance of an *original* driver license or ID card. They may be used for issuance of a duplicate OL or ID as a **last resort** and in conjunction with the ALVIN record.

LOST OUT-OF-STATE LICENSE/PERMIT REQUIREMENTS:

- Furnish documentary proof of his/her identity and date of birth, the same as for an original license.
- Obtain verification of their license status from the state the applicant is currently licensed in.
- A PDPS check is required to verify eligibility.

ALTERATIONS

Any document that contains an alteration that changes the name, date of birth, or other pertinent information will not be accepted.

FOREIGN DOCUMENTS

Any primary or secondary document that is in a language other than English must be translated into English and must be accompanied by a Certificate of Accuracy of Translation by the person translating the document(s). DMV will accept the self-certification of anyone who certifies they have the competency to translate.

**STATE OF ALASKA
DIVISION OF MOTOR VEHICLES
CERTIFICATE OF ACCURACY OF TRANSLATION**

I, _____, attest to my competency to translate
(NAME OF TRANSLATOR)

from _____ to English, and I certify I have translated the attached document.
(FOREIGN LANGUAGE)

The attached translation is the correct English translation of all pertinent information from the original
_____ for _____
(DOCUMENT TYPE) (LEGAL NAME OF APPLICANT)

The following must be completed by the person who translated the document(s):

PRINTED NAME _____ TELEPHONE NUMBER _____
ADDRESS _____
SIGNATURE _____ DATE _____

(8/2001) www.state.ak.us/dmv/

Cross Reference:

Appendix D - DMV Addresses

Alaska State Legislature

Chair
Military and Veterans Affairs Committee

Vice-Chair
Labor and Commerce Committee

Member
Resources Committee
State Affairs Committee
Joint Armed Services Committee

Finance Subcommittees
House Environmental Conservation
House Military & Veterans' Affairs
House Court System



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931
Fax: (907) 465-4316
Toll Free: (800) 870-4391

Interim:
716 W. 4th Ave., #330
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207
Representative_Bob_Lynn@legis.state.ak.us

April 8, 2003

To: Representative Jim Holm, Co-Chair
Representative Bev Masek, Co-Chair
House Transportation Committee

Fr: Representative Bob Lynn *BL*

Re: HB 40
"An Act relating to issuance of a driver's license."

Thank you for scheduling HB 40 to be heard in the House Transportation Committee this Thursday. Attached is a copy of the Bill and a CS along with supporting documents.

Alaska State Legislature

Chair

Military and Veterans Affairs Committee

Vice-Chair

Labor and Commerce Committee

Member

Resources Committee
State Affairs Committee
Joint Armed Services Committee

Finance Subcommittees

House Environmental Conservation
House Military & Veterans' Affairs
House Court System



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

A handwritten signature in black ink, appearing to read "Bob Lynn".

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931
Fax: (907) 465-4316
Toll Free: (800) 870-4391

Interim:
716 W. 4th Ave., #330
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207
Representative_Bob_Lynn@legis.state.ak.us

SPONSOR STATEMENT HB 40 relating to Drivers' Licenses

A driver's license is a privilege, not a right. That's why Alaska has established minimum qualifications for a driver's license. That's why certain qualifications are mandated, such as a satisfactory score on written tests and driving tests, age, vision, etc. A state has a right to determine its own standards and qualifications. HB 40 merely adds a qualification that an alien must be legally in the United States to obtain an Alaska driver's license.

Passage of HB 40 will

1. Strengthen homeland security
2. Help establish legal residency
3. Help prevent voter fraud
4. Increase protection against identity theft
5. Increase public safety
6. Help maintain legal accountability

Nothing in the bill would act against the rights of any legal alien in Alaska.

HB 40 STRENGTHENS HOMELAND SECURITY:

Homeland Security is critical in the post-9/11 era. Homeland Security is a top priority of the President of the United States, and the Governor of Alaska. Alaska has several potential targets of opportunity for terrorists.

When a terrorist has access to a legitimate Alaska driver's license, it becomes easier to disappear into a community and plan destruction of Alaska targets. This is an extremely dangerous variety of identity theft. According to US Representative Cass Ballenger (R-NC), "A driver's license or state identification card is an essential tool, used by illegal aliens" (some of whom may be terrorists) "to solidify their presence here and to move about freely. This is a clear threat to our safety and economic security

HB 40 HELPS DETERMINE LEGAL RESIDENCY:

State residency is a legal requirement for an Alaska driver's license. Obviously, illegal aliens cannot be legal resident of any state, including Alaska. If Alaska provides illegal aliens with

driver's licenses, the state enables false appearance of legal residence to an illegal alien who is, by definition, ineligible for a license, as well as being a lawbreaker.

HB 40 HELPS PREVENT VOTER FRAUD:

An illegal alien with an Alaska driver's license, would enable a non-citizen of Alaska to register to vote under the Motor Voter Act. We should protect the integrity of our Alaska voter rolls.

HB 40 HELPS PREVENT IDENTITY THEFT:

State-issued driver's licenses have become the *de facto* primary identity document throughout Alaska and the United States. In fact, driver's licenses are so generally requested, for purposes unrelated to driving, that motor vehicle administrations also issue identity cards for non-drivers.

A significant problem is that driver's licenses are a "breeder document" that can provide access to many other documents, and facilitate "identity theft."

Driver's licenses commonly used to establish identity to law enforcement, employment, credit, and retail transactions. It's a sad irony that illegal aliens, who falsify identity documents, too often use those documents to prey on legal, law-abiding, aliens.

Once a person has obtained a driver's license or state identification card in one state, he can use it in any other state. Worse, a driver's license can easily be exchanged for a different state's license or identity card. An exchange is faster and requires much less documentation than a new issue.

HB 40 ENHANCES PUBLIC SAFETY:

One effect of granting driver's licenses to illegal aliens is to facilitate a larger number of persons on the road who are typically less experienced drivers, more often uninsured, and who are more likely to be hit-and-run drivers when they cause an accident.

HB 40 AIDS LEGAL ACCOUNTABILITY:

A proper driver's license helps establishes legal accountability when traffic laws are broken, or a motorist causes an accident - but when an illegal alien is identified as responsible for an accident, holding the driver accountable may be difficult if a false name and address on the driver's license.

IN SUMMARY:

HB 40 is needed to Help establish legal residency, help prevent voter fraud, strengthen homeland security, increase protection against identity theft, and to increase public safety.

Your favorable vote on HB 40 is urged.

Mara Kimmel

463-5659

Anchorage 279-5659

work 222-7313

(direct line)

AMENDMENT 1 TO HB 40

The Department of Motor Vehicles shall cause Alaska driver's licenses, and state-issued identification cards issued to non-immigrant aliens, to expire at the end of the alien's lawful stay in the United States.

SPONSOR STATEMENT

FOR AMENDMENT 1 TO HB 40

It is estimated that an estimated 40-percent of the 3 to 6 million illegal aliens who resided in the U.S. last year were admitted under a nonimmigrant visa and stayed in the U.S. after their lawful stay expired. By the time of the Sept. 11 attacks, the immigration papers for three of the hijackers had expired. They were here illegally in the eyes of the federal government.

According to the INS, three of the 19 hijackers were here illegally on expired visas, another six had no visas at all, and a few who were able to obtain valid visas were on U.S. intelligence agency watch lists. Homeland Defense Secretary Tom Ridge has stated that resident aliens driver's permits linked to their visas. For example, if an alien had a visa to visit the United States for six months, he or she would not be able to obtain a driver's permit that exceeded six months,

FAX TO: REP. LYNN
FROM: CHUCK HOSACK, DMV
DATE: JAN 31, 2003
SUBJECT: HB 40
PAGES: 7 (INCLUDING COVER SHEET)

Rep. Lynn

I enjoyed meeting you and discussing the issues of HB 40. I have attached 3 documents concerning HB 40 that we discussed yesterday. These documents are:

1. DMV Standard Operating Procedures (SOP) – (3 Pages)

These are the pages of the DMV manual that address acceptable documents for proof of identity and age. To obtain a license a person must have one document from the primary list and a second document from either the primary or secondary list. If a person is a legal alien, they would have to present one of the documents specified in #11 of the primary document list.

2. States with Legal Presence Laws – (1 Page)

This is a list of the states that already have Legal Presence laws compiled by a survey completed last year.

3. Pros/Cons of Legal Presence – (2 Pages)

This is an information sheet from DMV's national organization presenting both sides of the arguments for and against legal presence laws.

If you have any questions on any of this please let me know.

State of Alaska Division of Motor Vehicles Standard Operating Procedures	SOP No. D-20	Page No. 1 of 23
	Effective June 1, 2000	
Subject: IDENTIFICATION AND PROOF OF DATE OF BIRTH	Supersedes D-20	Dated 11/21/94
	Approved <i>Charles R. Hosack</i>	
Statute: AS 28.15.061	Regulation: 13 AAC 08.330(b)	Form No.

ORIGINAL ALASKA DRIVER'S LICENSE or IDENTIFICATION CARD

Every person who makes an original application for a driver's license or permit must furnish documentary proof of his/her date of birth (See Primary Identification Documents) and at least one form of identification to verify his/her name (See Secondary Identification Documents). IF A PERSON HAS A VALID PHOTO DRIVER'S LICENSE ISSUED BY A STATE DMV, NO OTHER IDENTIFICATION IS REQUIRED.

CERTIFICATION BY CORRECTIONS, PROBATION OR ALASKA CHILDREN'S SERVICES IS NOT ACCEPTABLE.

PRIMARY IDENTIFICATION DOCUMENTS

1. An original or certified copy of a United States or Canadian birth certificate. The certificate must have a raised seal and be issued by an authorized government agency such as the Bureau of Vital Statistics or State Board of Health. Hospital issued certificates and baptismal certificates are not acceptable.
2. Canadian Department of Indian Affairs issued identification card. (Tribal issued card is not acceptable. A U.S. issued Department of Indian Affairs card is not acceptable.)
3. Court order which must contain the individual's full name, date of birth and court seal. Some examples include an adoption document, a name change document, gender change document, etc. It does not include an abstract of criminal or civil conviction.
4. Drivers license/permit issued by a State/Canadian DMV. Cannot be expired over one year.
5. Identification card issued by a State or Canadian DMV. Cannot be expired over one year.
6. Microfilm/copy of a drivers license issued by a State or Canadian DMV, provided it has been certified by DMV.
7. Microfilm/copy of an identification card that has been certified by the issuing DMV.
8. Military identification card for active duty, retiree or reservist. (Service member only. Dependent military ID's are not acceptable as a primary document.)
9. Passport - U.S. or Canadian.
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 - a) Certificate of Naturalization (N-550, N-570, or N-578)
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State of Alaska Division of Motor Vehicles Standard Operating Procedures	SOP No. D-20	Page No. 2 of 3
	Effective August 8, 2001	
Subject: IDENTIFICATION AND PROOF OF DATE OF BIRTH	Supersedes D-20	Dated 6/1/00
	Approved <i>[Signature]</i>	
Statute: AS 28.15.061	Regulation: 13 AAC 08.330 (b)	Form No.

SECONDARY IDENTIFICATION DOCUMENTS

1. All primary documents
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8. Health insurance card [Blue Cross/Shield, Kaiser, Aetna, or a Health Maintenance Organization (HMO)].
9. Internal Revenue Service (IRS) or state tax form. A W-2 form is not acceptable.
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15. Gun permit.
16. Pilot's license.
17. Certified school record or transcript.
18. Social Security card (D-17). A metal card is not acceptable.
19. Photographic school identification card.
20. Vehicle title. A vehicle registration is not acceptable.
21. Welfare card.
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*See the following page for further information on foreign documents.

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- Offices without computer terminals must contact a terminal office to verify that the status of the license is clear, in addition to the requirement of two items.
- In extreme cases, you may request a photo of the applicant from the Department of Public Safety, OL Photos. Examples of extreme cases are when an applicant is the victim of a house fire or when **all** identification documents have been lost or stolen. In these cases, request the photo by e-mail (olphotos@dps.state.ak.us) or call 269-5741. Please include the full name of the applicant and their license or identification number, as well as the SSN and DOB, if available.

NOTE: Rent receipts, credit cards, and similar type documents are not to be used as proof of identity for issuance of an **original** driver license or ID card. They may be used for issuance of a duplicate OL or ID as a **last resort** and in conjunction with the ALVIN record.

State of Alaska Division of Motor Vehicles Standard Operating Procedures		SOP No. D-20	Page No. 3 of 3
		Effective August 8, 2001	
Subject:		Supersedes NEW	Dated
IDENTIFICATION AND PROOF OF DATE OF BIRTH		Approved <i>Mary Marshall</i>	
Statute: AS 28.15.061	Regulation: 13 AAC 08.330 (b)	Form No.	

LOST OUT-OF-STATE LICENSE/PERMIT REQUIREMENTS:

- Furnish documentary proof of his/her identity and date of birth, the same as for an original license.
- Obtain verification of their license status from the state the applicant is currently licensed in.
- A PDPS check is required to verify eligibility.

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Any primary or secondary document that is in a language other than English must be translated into English and must be accompanied by a Certificate of Accuracy of Translation by the person translating the document(s). DMV will accept the self-certification of anyone who certifies they have the competency to translate.

STATE OF ALASKA DIVISION OF MOTOR VEHICLES CERTIFICATE OF ACCURACY OF TRANSLATION	
I, _____, attest to my competency to translate	
<small>(NAME OF TRANSLATOR)</small>	
from _____	to English, and I certify I have translated the attached document.
<small>(FOREIGN LANGUAGE)</small>	
The attached translation is the correct English translation of all pertinent information from the original	
_____	for _____
<small>(DOCUMENT TYPE)</small> <small>(LEGAL NAME OF APPLICANT)</small>	
The following must be completed by the person who translated the document(s):	
_____ PRINTED NAME	_____ TELEPHONE NUMBER
_____ ADDRESS	
_____ SIGNATURE	_____ DATE
<small>(8/2001)</small>	www.state.ak.us/dmv/

States with Legal Presence Laws

Source: American Association of Motor Vehicle Administrators (AAMVA) Survey,
March 2002

ALABAMA
ARIZONA
ARKANSAS
CALIFORNIA
COLORADO
CONNECTICUT
DELAWARE
FLORIDA
GEORGIA
IDAHO
KANSAS
KENTUCKY
LOUISIANA
MAINE

MARYLAND
MASSACHUSETTS
MINNESOTA
MISSISSIPPI
MISSOURI
NEW HAMPSHIRE
NEW JERSEY
NEW MEXICO
NEW YORK
SOUTH CAROLINA
SOUTH DAKOTA
WASHINGTON DC
WYOMING

Legal Presence and DL/ID – Should undocumented immigrants be allowed to have a DL/ID?

Opinions in favor:

- The highways will be safer if drivers are controlled (whether we like it or not, immigrants who are here illegally will drive, if for no other reason than to get to work); they should take knowledge and skills tests, obtain registrations and insurance, and be sanctioned and controlled to do what they will do anyway.
- From a law enforcement perspective, it would be beneficial to be able to identify and control the actions of the undocumented immigrants who are currently unlicensed.
- They are residents and most are here to stay (conservative estimates are that 8.5 million people in the U.S. are in this category). They play a large role in the economy (may obtain government Tax Numbers and pay taxes).
- A large black market exists for obtaining fraudulent breeder documents to falsify identity and their illegal status (given the opportunity to identify themselves and be licensed under their own names they would choose this option).
- Background security checks could be performed that would satisfy needs to prevent criminals/terrorists from obtaining documents. The plans are that CDL holders of HAZMAT endorsements will be checked for background histories. If we wanted criminal history checks on undocumented immigrants prior to licensing then laws/regulations/policies could be established to require this.
- It is possible to create a DL/ID document that would identify the immigrant as undocumented (if this was thought to be necessary). Of course, many individuals without legal status are not likely to volunteer this information for fear the immigration authorities will be notified. The "scarlet letter" status of a document thus identified could also be considered a profiling issue.
- Motor vehicle agencies are not the immigration authority. It becomes our problem if we choose to embrace it and debate it to a conclusion. It may be better to entertain a "don't ask, don't tell" policy.
- How will we deal with the existing undocumented immigrant population that currently exist on our driver license files and have been issued DL/IDs? Prior to the September 11th tragedy, we may have issued documents to individuals who were (at the time) in our jurisdictions legally. Since that time, they may have overstayed their legal status. Should we re-identify the entire DL/ID population to purge the legacy system of these undocumented individuals, or do we adopt a "day forward policy" and ignore this issue?

Opinions against:

- An undocumented immigrant will become "legalized" and be granted the illusion of citizenship by obtaining a DL/ID (the DL/ID is the most common form of identification in the US/Canada today – the "illegal" immigrants can put all other papers away if they are granted one of these documents).
- We should uphold the laws of the land. Ignoring the legal status of individuals seeking our documents, which we know will be used for identification purposes, puts us in a position of compromise.

- In order to obtain a SSN you must show proof of citizenship or lawful presence (most MVAs require SSN because of statutes - the relaxation of this requirement may undermine many other governments activities).
- National safety and security issues are at stake (this is a first line defense in preventing many types of crimes from underage drinking to potential terrorist activities - background checks on undocumented immigrants will be very difficult, if not impossible to obtain, especially at an MVA office).
- If a temporary license, or some sort of "second class" document with fewer security features were created for illegal immigrants it would lead to additional identification fraud (individuals "not illegal immigrants" would use such a less secure document to counterfeit/alter and it would serve as a target breeder document to obtain other forms of fraudulent identification).
- If we do not have a uniform/standard policy there will be "jurisdiction hopping" to obtain a document where requirements are more favorable/lax toward an undocumented immigrant (the chain is only as strong as the weakest link and reciprocity rules will be in question if every jurisdiction is doing something different).
- Law enforcement would have a difficult time knowing a "legal" from an "illegal" immigrant without some method of identification on the document or MVA record (this could be controversial in terms of creating a "second class" document or considered profiling if immigration groups were to argue for no formal recognition of the undocumented immigrant's status).
- The laws for driving without a license are not effective in preventing undocumented immigrants from driving without licenses (these laws should be strengthened to deter such actions, not the rules of identification and illegal immigration weakened to accommodate those who supposedly MUST break the laws to obtain the type of work they want to perform).

Conclusions:

We believe that our federal lawmakers must deal with this issue. It must not be left as a motor vehicle administration problem. Continuing different jurisdictional practices, perhaps in violation of our own laws, runs the risk of losing reciprocity agreements for driving and identification of individuals between jurisdictions and in the greater community.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 40
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to issuance of a driver's BRU Criminal Division
license." Component Criminal Justice Litigation
 Sponsor Representative Lynn
 Requester House Transportation Committee Component No. 2202

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 40 prohibits the issuance of an Alaska driver's license to anyone who is not a resident of Alaska as defined by AS 01.10.055, and is not a citizen of the United States or a legal alien.

Passage of this legislation is not anticipated to have a fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone (907) 465-5370
 Division Attorney General's Office Date/Time 2/5/03 8:50 AM
 Approved by: Kathryn Daughhetee for Gregg D. Renkes, Attorney General Date 2/5/2003
 Agency Department of Law