

**HB**

**1**

<TARGET><BILL>HB 1</BILL><SUBJECT>HB  
1</SUBJECT><COMM>SSTA28</COMM></TARGET>

# SENATE COMMITTEE REPORT

DATE: 4/2/13

FURTHER: Rules

DATE TURNED IN TO OFFICE: 4/4/13

**State Affairs Committee** considered CS FOR HOUSE BILL NO. 1(STA) am

HB 1-REQUIREMENTS FOR DRIVER'S LICENSE

"An Act relating to issuance of drivers' licenses."

and recommends:

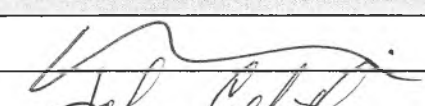
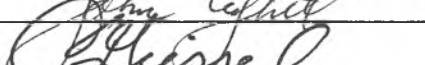
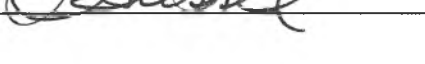
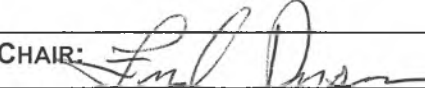
- be replaced with SCS \_\_\_\_\_ ( \_\_\_\_\_ )  Same Title  Technical Title Change  
 New Title/SCR No. \_\_\_\_\_
- adopt previous SCS \_\_\_\_\_ ( \_\_\_\_\_ )  Same Title  Technical Title Change  
 New Title/SCR No. \_\_\_\_\_
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
ADM			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	Wiclechowski				✓
	Coghitt	✓			
	Gressel	✓			
CHAIR: 	Dyer	✓			

# Alaska State Legislature



**Chairman**  
State Affairs Committee

**Vice-Chair**  
Judiciary Committee

**Vice-Chair**  
Veterans' Caucus

**Member**  
Transportation Committee  
Joint Armed Services Special Committee

**Finance Subcommittees**  
Administration  
Corrections

*A Communication From*  
**REPRESENTATIVE BOB LYNN**  
**District 23 Anchorage**

**E-Mail:** Rep.Bob.Lynn@akleg.gov

**Session:**  
Alaska State Capitol #108  
Juneau, AK 99801-1182

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

**Interim:**  
716 W. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

Phone: (907) 269-0205  
Fax: (907) 269-0207

## Hearing Request

To: Senator Fred Dyson, Chairman  
Senate State Affairs Committee

From: Representative Bob Lynn

Date: April 2, 2013

Re: Hearing Request for HB1 "An Act relating to issuance of driver's licenses."

I respectfully request HB1 to be heard in the Senate State Affairs Committee at your earliest convenience. Attached are the following documents:

- HB1 – Sponsor Statement
- HB1 – Ver. O
- HB1 – Ver. U
- HB1 – Explanation of Changes
- HB1 – Fiscal Note
- HB1 – Support Document – FAQ Sheet
- HB1 – Support Document – 37 States with Length of Authorized Stay Requirement
- HB1 – Support Document – Memo Regarding Other States with Length of Stay
- HB1 – Support Document – AG Office Johansen Letter
- HB1 – Support Document – DMV Memo
- HB1 – Support Document – Legal Services Memo
- HB1 – Support Document – APOA Support Letter
- HB1 – Support Document – Alaska Association of Chiefs of Police Support Letter
- HB1 – Opposition Document – ACLU Letter 2.15.13
- HB1 – Opposition Document – Margaret Stock Letter
- HB1 – Opposition Document – Glen Prax Letter

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Vice-Chair, Judiciary Committee  
Transportation Committee  
Joint Armed Services Committee

**Finance Subcommittees**  
Administration  
Corrections  
Military and Veterans Affairs

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Fax: (907) 269-0207

## **Sponsor Statement** **HB 1**

*“An Act relating to issuance of driver’s licenses.”*

This bill enables the Department of Motor Vehicles (DMV) to issue a driver’s license for a period of less than five years for persons who have a legal presence in the United States for less than five years.

Under current law, an alien visiting the United States with a visa that expires in two weeks could get an Alaska drivers license that doesn’t expire for five years. This bill links the duration of the driver’s license to the duration of the visa, or any other legal presence document.

If the legal presence document is for an indefinite period, the driver’s license would be issued for only one year, but could be renewed each year up to a period of five years, at no additional cost to the driver.

Similar legislation has been passed in other states.

**CS FOR HOUSE BILL NO. 1(STA) am**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

Amended: 4/1/13

Offered: 1/30/13

Sponsor(s): REPRESENTATIVES LYNN, HAWKER, CHENAULT, AND JOHNSON, Olson, Millett, Peggy Wilson, Keller, Isaacson, Saddler

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to issuance of drivers' licenses."**

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

3 \* **Section 1.** AS 28.15.101 is amended by adding a new subsection to read:

4 (d) Under regulations adopted by the department, the department may issue to  
5 a person a driver's license with a duration of less than five years if the person is  
6 authorized to stay in the United States for less than five years or the period of  
7 authorized stay is indefinite. The department shall issue the license for the period of  
8 the authorized stay. If the period of authorized stay is indefinite, the department shall  
9 issue the license with a validity of one year. The department shall provide that a  
10 person receiving a license with a duration of less than five years under this subsection  
11 may renew the license without a renewal fee during a period of up to five years after  
12 first issuance of the license.

**CS FOR HOUSE BILL NO. 1(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 1/30/13

Referred: Judiciary

Sponsor(s): REPRESENTATIVES LYNN, HAWKER, CHENAULT, AND JOHNSON, Olson, Millett,  
Peggy Wilson, Keller, Isaacson

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11 renew the license without a renewal fee during a period of up to five years after first  
12 issuance of the license.

**HOUSE BILL NO. 1**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES LYNN, HAWKER, CHENAULT, AND JOHNSON, Olson, Millett**

**Introduced: 1/16/13**

**Referred: State Affairs, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to issuance of drivers' licenses."**

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7 authorized stay is indefinite. The department shall issue the license for the period of  
8 the authorized stay. If the period of authorized stay is indefinite, the department shall  
9 issue the license with a validity of one year. The department may provide that a person  
10 receiving a license with a duration of less than five years under this subsection may  
11 renew the license by mail and without a renewal fee during a period of up to five years  
12 after first issuance of the license.

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## HB 1 Explanation of Changes

The change between version U and version O of House Bill 1 is very simple. The original version included the phrase "by mail and" which the DMV felt may limit the ways in which people can renew their licenses. This was stricken so that renewals can be done in an "all of the above" fashion including in person, by mail, and hopefully soon online.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: HB 1 (U)  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB001-DOA-DMV-1-25-13  
Title: REQUIREMENTS FOR DRIVER'S LICENSE  
Sponsor: \*\* LYNN, HAWKER  
Requester: House State Affairs

Department: Department of Administration  
Appropriation: Motor Vehicles  
Allocation: Motor Vehicles  
OMB Component Number: 2348

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2014 Request	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>	<b>FY 2014</b>	<b>FY 2014</b>					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0  
Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? yes  
If yes, by what date are the regulations to be adopted, amended or repealed? 01/01/14

**Why this fiscal note differs from previous version:**

Not applicable, initial version.
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Prepared By:	Amy Erickson, Director	Phone:	(907)269-5559
Division:	Motor Vehicles	Date:	01/25/2013 12:41 PM
Approved By:	Curtis Thayer, Deputy Commissioner	Date:	01/25/13
	Department of Administration		

**FISCAL NOTE ANALYSIS**

**STATE OF ALASKA  
2013 LEGISLATIVE SESSION**

**BILL NO.** HB001

**Analysis**

This bill allows DMV to issue a driver's license with duration of less than five years if the person is authorized to stay in the United States for less than five years or the period of authorized stay is indefinite.

The impact of this bill on DMV will be minimal. Additional training will be provided to staff to ensure issued licenses expire with the applicant's legal stay.

This bill has no fiscal impact on DMV.

# HB1 Driver's License Bill

## FAQ

**Q: Does this affect who can obtain a driver's license?**

*A: No, HB1 does not have any effect on current DMV policies or regulations on applying for and receiving a driver's license.*

**Q: Does this affect how people obtain their driver's licenses?**

*A: No, HB1 does not have any effect on current DMV policies or regulations on applying for and receiving a driver's license.*

**Q: What, exactly, does the bill do?**

*A: HB1 simply allows for DMV to issue a driver's license with a duration of less than five years if the person is authorized to stay in the US for less than five years. For example, if a person has a student visa that expires in 6 months, their Alaska Driver's license will expire on the same date as their authorized stay documentation. Currently, the state is required to issue a driver's license for five years.*

**Q: What about those people whose status is "indefinite" or "pending?"**

*A: In the rare case that someone's status does not yet have an end date or specified duration, the DMV will issue a Driver's License for a period of one year.*

**Q: Will DMV post immigration status on a driver's license?**

*A: No. Nothing in HB1 even intimates this.*

**Q: What is the need for this bill?**

*A: This bill is about good governance. Representative Lynn does not believe the state of Alaska should be issuing official or legal documentation that outlasts or contradicts the documentation issued by the federal government.*

**Q: Will DMV be required to verify immigration status because of this bill?**

*A: HB1 does not change ANY of DMV's current verification procedures. When someone applies for a driver's license or state ID for the first time, they must prove their identity. For citizens, this means a birth certificate and social security number. Foreign nationals, and anyone else who doesn't have a SSN, must verify why they do not have one. This normally means they must present legal presence or immigration documents, but nothing current statute or HB1 requires anyone to show DMV immigration documentation or requires DMV to ask for it.*

**Q: How many other states have a policy that requires driver's licenses to expire at the same time as authorized stay documentation?**

*A: Thirty-six (36) and the District of Columbia. This is also recommended under the American Association of Motor Vehicle Administrators best practices.*

**Q: Is this legislation constitutional?**

*A: Absolutely. The fact that 36 states and the District of Columbia currently have these same provisions in statute, and that none of them have been successfully challenged, are proof that this legislation is constitutional. The Attorney General's office agrees with this.*

**Q: Will this bill force those affected to pay more in fees than regular citizens?**

*A: No. This bill allows for those people required to renew their driver's license more frequently to do so without fees for up to five years. This way they will pay the same amount as someone issued a full five year license.*

## Overview of States' Driver's License Requirements

April 27, 2009

States that require a Social Security number (SSN) for a driver's license with no exceptions (1).	SD.
States that require an SSN for a driver's license, but have exceptions to that rule (50).	AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IA, IN, KS, KY, LA, MD, ME, MA, MN, MI, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, VT, WA, WV, WI, and WY.
States that have lawful presence requirements in the law (28).	AL, AZ, AR, CA, CO, FL, GA, ID, IN, KS, KY, LA, ME, MD, <sup>1</sup> MI, MN, MS, MO, MT, NJ, OK, PA, SC, SD, TN, VA, VT, WI, and WY.
States that have lawful presence requirements that are created by agency policy or the combination of documents required of driver's license applicants (18).	AK, CT, DE, DC, IL, IA, MA, <sup>2</sup> NE, NH, NV, NY, NC, ND, OH, OR, RI, TX, and WV.
States that don't have lawful presence requirements (4).	HI, NM, UT, <sup>3</sup> and WA.
States that accept the ITIN as an alternative to the SSN (5).	IL (in the case of religious objections) KY, NM, UT, <sup>4</sup> and WV.
States that accept the <i>matricula consular</i> or other foreign ID card as a form of ID (7).	IN, MI (accepted on case-by-case basis), NE, NM, TX, UT, and WA.
States that require that the driver's license expire with an immigrant's visa or authorized stay in the U.S. (37).	AL, AR, AZ, CA, CO, DC, DE, GA, FL, IA, ID, IN, KY, LA, ME, MD, MI, MN, MO, MT, NJ, NV, NC, ND, OH, OK, PA, SC, SD, TN, TX, UT, VT, VA, WV, WI, and WY.

<sup>1</sup> Individuals holding licenses as of Apr. 19, 2009 will not have to prove lawful presence upon renewal; however licenses issued to such individuals will expire on July 1, 2015.

<sup>2</sup> Applicants with a license issued by Canada or Mexico can apply without demonstrating lawful presence.

<sup>3</sup> Driver's license applicants are required to prove lawful presence. Applicants unable to prove lawful presence receive a "driving privilege card."

<sup>4</sup> An ITIN may only be presented by those applying for a driving privilege card.



NATIONAL  
IMMIGRATION  
LAW CENTER  
www.nilc.org

LOS ANGELES (Headquarters)  
3435 Wilshire Boulevard  
Suite 2850  
Los Angeles, CA 90010  
213 639-3900  
213 639-3911 fax



WASHINGTON, DC  
1444 Eye Street, NW  
Suite 1110  
Washington, DC 20005  
202 216-0261  
202 216-0266 fax

## State Driver's License Requirements

This table is current as of December 5, 2004. The information it contains was compiled by the National Immigration Law Center from statutes, state government websites, and information provided by advocates within each state. Note that the documents used to prove age and identity may have changed. To suggest corrections or additions to the table, or for the latest updates to the information it contains, contact Tyler Moran at [moran@nilc.org](mailto:moran@nilc.org).

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
★ AL	Yes (w/exception)	Yes	<p>Applicants must present 2 forms of identification — at least 1 from the primary list, and at least 1 bearing a photo. Together, the documents must establish the applicant's name and date of birth, and that the applicant is lawfully present in the U.S.</p> <p><b>Primary documents.</b> U.S. birth certificate, U.S. passport, U.S. military ID card, Alabama ID card, Alabama DL, Certificate of Naturalization, U.S. Certificate of Citizenship, U.S. Certificate of Birth Abroad, resident alien card, Social Security card; Valid non-U.S. passport.</p> <p><b>Secondary documents.</b> DL issued in the U.S.; International DL/ permit (not expired); marriage certificate, U.S. armed forces DL; U.S. military DD-14, professional license, Selective Service card, Veterans Administration card, medical insurance ID card (not expired), school ID (with photo), school enrollment form; W-2 form; documents from court of record including divorce decree, adoption decree; name change decree, bankruptcy decree; employment authorization document with valid social security card; Valid visa authorizing presence in the country for a period exceeding six months; Valid Employment Authorization Document (EAD); Valid I-94 Arrival/Departure Record; Original Form I-797, Notice of Action, showing approval of change of status or extension of stay Original Form I-797, Notice of Action, evidencing timely filing of an extension petition.</p> <p><b>Documents to prove lawful presence</b> include, but are not limited to, original or certified copies of one or more of the following: I-551 stamp in foreign passport or I-551 stamp on Form I-94 (Arrival/Departure Record); proof of refugee, asylee, or parolee status, i.e., Form I-571 (Refugee Travel Document), or Form I-512 (Authorization for Parole of an Alien), or an immigration judge's order (IJO), certified by the clerk of the court, granting asylum or cancellation of removal; proof of lawful nonimmigrant status provided by the U.S. Dept. of Justice (Form I-94, Arrival/Departure Record, not expired, with required supporting document(s)); and U.S. Dept. of Defense Uniformed Services ID Card, along with International Travel Order (ITO) for international military student (IMS). Non-U.S. citizens with the following visa types are eligible to apply for an Alabama driver's license: A, E, F, J, L, M, NATO, O, P, R, and TN.</p> <p><b>Note:</b> F-1 and M-1 visa holders also must provide a copy of Form I-20 (Certificate of Eligibility for Nonimmigrant Student Status). J-1 and J-2 visa holders must also provide a copy of Form IAP-66 (Certificate of Eligibility for Exchange Visitor Status).</p> <p>In addition to meeting the above ID requirements, an applicant who has been deported from the U.S. must present proof from the INS or CIS that his or her lawful presence status has been restored.</p>	<ul style="list-style-type: none"> <li>➤ Noncitizens lawfully residing in the state for a period exceeding six months and who are not authorized to work are not required to provide an SSN, but must provide proof of lawful presence exceeding six months from the date of application for a DL.</li> <li>➤ Applicant's immigration documents must show that s/he may legally remain in the U.S. for at least 160 days from time of application.</li> <li>➤ DLs will expire with the immigration document the license-holder presented at the time of application.</li> <li>➤ Noncitizens may only use designated DMV offices.</li> <li>➤ Lawsuit filed that challenges Dept. of Public Safety's policy of denying DLs to nonimmigrants and applicants for permanent residency. <i>Costra et al. v. Coppage and Alabama Dept. of Public Safety</i>, No. 2:04cv400-W (U.S.D.C. Mid. Dist. Ala.).</li> </ul>
AK	Yes (w/exception)	Yes	<p>Applicants must present 2 pieces of identification, 1 to prove DOB and 1 to prove identity.</p> <p><b>Documents to prove DOB.</b> An original or certified copy of a U.S. or Canadian birth certificate (from Vital Statistics); a passport issued by the U.S. or Canada; an Alaska learner's permit or other state-issued permit with a photo; an ID card issued by a state DMV office or Canadian DMV; and military ID for active duty, retiree or reservist.</p> <p><b>Note:</b> When two items from the above list are presented, an identity document (listed below) is not required.</p> <p><b>Documents to prove identity.</b> Employee ID card with photo, SSA card, military ID for dependent, passport, pilot's license, marriage license or certificate, and other evidence of comparable validity approved by a DMV supervisor.</p>	<ul style="list-style-type: none"> <li>➤ Applicants who have an SSN must present it.</li> <li>➤ Lawful presence requirement is specified in neither a law nor regulation, but the combination of documents required creates a lawful presence requirement.</li> </ul>

**ABBREVIATIONS:** CIS: U.S. Citizenship and Immigration Services • DL: driver's license • DMV: Dept. of Motor Vehicles • DOB: date of birth • ID: identification • IJ: immigration judge • INS: Immigration and Naturalization Service • IRS: U.S. Internal Revenue Service • ITIN: Individual Tax Identification Number • LPR: lawful permanent resident • SAVE: Systematic Alien Verification for Entitlements • SSA: Social Security Administration • SSN: Social Security number

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
 AZ	Yes (w/exception)	Yes	<p>Applicants must present either (a) 2 of the documents listed below, 1 having a clear photo of the individual, OR (b) 3 of the documents listed below. One document must be from the primary list. All documents presented must be originals or copies certified by the issuing agency, and all must be in English.</p> <p><b>Primary documents (must include DOB).</b> Birth certificate issued in any state, territory, or possession of the U.S. (hospital record/certificate and California Certified Abstract of Birth are not acceptable); delayed birth certificate issued in any state, territory or possession of the U.S.; U.S. Certificate of Birth Abroad; U.S. passport; foreign passport with U.S. visa (admission stamp or I-94 form required in passport); I-94 (Arrival/Departure Record) with photo; resident alien card issued after March 1977; employment authorization card issued by INS or CIS; U.S. Certificate of Naturalization; U.S. Certificate of Citizenship; DL issued in another state, territory or possession of the U.S. (see comments for a list of restricted states); Arizona ID card (issued after July 1996); instruction permit issued in another state, territory, or possession of the U.S. (see comments for a list of restricted states); record of a previous Arizona DL, ID card or instructional permit (issued after July 1996); certified letter of identification for a ward of the court, issued by a court or government agency in the U.S.; affidavit of identification (with photo and within 15 days of being issued) from Arizona Dept. of Corrections, a county detention facility, or a probation office in Arizona; tribal certificate of Indian blood; tribal or Bureau of Indian Affairs affidavit of birth; U.S. military DD-214; or U.S. military ID card (active duty, reserve and retired).</p> <p><b>Secondary documents.</b> DL issued in any state, territory or possession of the U.S.; instruction permit issued in any state, territory or possession of the U.S.; U.S. military dependent ID card; U.S. armed forces DL; Social Security card; motor vehicle record or clearance letter (within 30 days of being issued); legal guardian affidavit; Selective Service card; W-2 form; U.S. Dept. of Veterans Affairs card; concealed weapons permit; medical insurance ID card; professional license; bank card; credit card; employee ID badge (with photo); school ID (with photo); marriage certificate issued in any state, territory, or possession of the U.S.; and documents from court of record: divorce decree, adoption decree, name change decree, bankruptcy decree, and emancipation decree.</p>	<ul style="list-style-type: none"> <li>➢ Applicants who have an SSN must present it.</li> <li>➢ DL expires when immigration visa expires.</li> <li>➢ DLs issued by the following states are not accepted as primary proof of identity: AK, HI, IL, IA, MI, MO, MT, NE, NV, NM, NC, OK, OR, RI, TX, UT, VT, WA and WA.</li> <li>➢ SB 1232, signed into law in June 2004, requires that the director of the DMV develop rules to (1) verify that the applicant's presence in the U.S. is authorized under federal law, and (2) issue temporary driver permits pending verification of the applicant's immigration status.</li> </ul>
AR	Yes (w/exception)	Yes	<p>Applicants must present proof of identity and lawful presence. Each applicant must present either an Arkansas photo DL or ID, or 2 primary documents, or 1 primary and 1 secondary document.</p> <p><b>Primary documents.</b> Photo out-of-state DL; certificate of birth (if foreign, it must be accompanied by a notarized English translation); photo document from CIS; passport (if the passport is from a country other than the U.S., the applicant must also present a CIS card or a U.S. visa); naturalization certificate; court order (must contain full name, DOB, and court seal; examples include: adoption document, name-change document, or gender-change document; abstract of criminal or civil conviction not acceptable); military ID with photo; Selective Service card; and armed forces discharge papers.</p> <p><b>Secondary documents.</b> Photo Arkansas Medicaid card; photo out-of-state Medicaid card; work/school photo ID; Social Security card; vehicle registration/title; Bureau of Indian Affairs card/treaty card (no tribal cards accepted); marriage license; health insurance card; IRS or state tax forms (W-2 is not acceptable); court order without DOB; medical records; concealed handgun license; certified school transcript; pilot's license; notarized parent affidavit; court records; prison release document.</p> <p><b>Proof of lawful presence.</b> U.S. birth certificate; U.S. visa; Social Security card; photo document from CIS; U.S. passport; and naturalization certificate.</p>	<ul style="list-style-type: none"> <li>➢ Applicants who have an SSN must present it.</li> </ul>
 CA	Yes (w/exception)	Yes (see comments)	<p>Applicants must present proof of their DOB and that they are lawfully present in the U.S.</p> <p><b>Proof of DOB and Lawful Presence.</b> U.S. birth certificate; U.S. certificate or report of birth abroad of a U.S. citizen; Federal Proof of Indian Blood Degree; INS American Indian Card; birth certificate or passport issued by a U.S. territory; U.S. passport; U.S. identification card; U.S. military identification card (active or reserve duty, dependent, retired member, discharged from service, medical/religious personnel); Common Access Card (only if designated as Active military or Active Reserve or Active Selected Reserve); certificate of U.S. naturalization or citizenship; Northern Marianas Card; INS-issued U.S. citizen ID card; permanent</p>	<ul style="list-style-type: none"> <li>➢ Case law: Persons whose presence is authorized by federal law but are ineligible for an SSN are entitled to DMV documents if otherwise qualified.</li> <li>➢ License expires when visa expires.</li> <li>➢ DMV verifies the applicant's immigration status through SAVE.</li> </ul>

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STATE DRIVER'S LICENSE REQUIREMENTS • NILC • DECEMBER 2004 • PAGE 3 OF 31

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p>resident card; temporary resident card; Canadian passport or birth certificate; Nonresident Alien Canadian Border Crossing Card; valid foreign passport with a valid Record of Arrival/Departure (Form I-94); certification from California Dept. of Corrections or California Youth Authority; employment authorization card; Permanent Resident Re-entry Permit; Refugee Travel Document; "Processed for I-551" stamped in a valid foreign passport; valid I-94 stamped "Refugee," "Parole" or "Parolee," "Asylee," or "Section 207," "Section 208," "Section 209," "Section 212d(2)," "HP," or "PIP"; immigration judge's order granting asylum; valid I-94 with attached photo stamped "Processed for I-551 temporary evidence of lawful admission for permanent residence"; Notice of Action (I-797 Approved Petition); Mexican Border Crossing Card with valid I-94.</p> <p><b>Proof of SSN.</b> Social Security card (laminated card not acceptable); Medicare card; U.S. armed forces ID cards (Active DD-2, Retired DD-2, Reserved DD-2, Dependent DD-173, and military separation document DD-214).</p>	the SAVE system.
★ CO	Yes (w/exception)	Yes	<p>Applicants must present two documents that prove age, name, and lawful presence. One document must be from the proof of age/lawful presence list.</p> <p><b>Proof of age/lawful presence.</b> Out-of-state-issued photo driver's license or photo ID card expired one year or less (out-of-state ID cards and licenses require additional documentation for proof of lawful presence); any Colorado driver's license, Colorado 7-day Affidavit and Notice of Revocation or Affidavit and Notice of Suspension, or Colorado ID card that matches the photograph on file with the Motor Vehicle Division (Colorado ID cards issued between June 1, 1997, and July 1, 1998, require additional documentation for proof of lawful presence); certified birth certificate (federal-, state-, county-, Dept. of Justice-, Dept. of State-, or Bureau of Indian Affairs-issued); a birth certificate issued by a hospital is not acceptable; U.S. passport expired less than 10 years; valid foreign passport with I-94 or valid "processed for I-551" stamp (no B-1, B-2, WT, VWB, CP or NC status; and H-1, H-2, J-1, J-2, F-1, F-2, etc., statuses require verification of Colorado employment or education); Form I-94 (Arrival/Departure Record, refugee/asylee status version) (Refugees/asylees presenting such an I-94 must also present either an employment authorization card or an original letter, on agency letterhead, from "the legal agency providing assistance" [sic—verbatim from MVD website], which letter is to be surrendered to the Motor Vehicle Division); valid I-551 (resident alien/permanent resident card) (no border-crosser or U.S.A B-1/B-2 Visa/BCC cards accepted); valid I-688 (photo temporary resident card), I-688B and I-766 (photo employment authorization card); valid U.S. military ID (active duty, dependent, retired, reserve, and National Guard); tribal ID card; U.S. or U.S. territory certified court order of adoption (must include DOB); Certificate of Naturalization with intact photo.</p> <p><b>Proof of name.</b> If the applicant is applying for a license under a name that is different from the name on the document presented as proof of age/lawful presence, or if the applicant is changing the name on an established record, any of the following documents are acceptable in addition to the document presented for proof of age/lawful presence (no photocopies allowed): U.S. city, county, or state-issued, or foreign-issued, certified marriage certificate (foreign language documents may require translation; no church-issued documents are accepted); certified divorce decree, U.S. or foreign, with a case number and official signature; certified court order of name change, U.S. or foreign, with case number and official signature (foreign language documents require translation); valid U.S. military ID (active duty, dependent, retired, reserve, and National Guard); tribal ID card; out-of-state-issued photo driver's license or photo ID card expired one year or less.</p>	<ul style="list-style-type: none"> <li>➤ Applicants who have an SSN must present it. Applicants without SSNs may submit a sworn affidavit.</li> <li>➤ License expires when visa expires.</li> </ul>
CT	Yes (w/exception)	Yes	<p>Applicants must present proof of state residency, identification, and lawful presence. Non-citizens must submit proof of lawful presence and either one primary or secondary document. US citizens are required to submit a certified birth certificate or valid U.S. passport and either one primary or secondary document.</p> <p><b>Primary documents.</b> Valid U.S./U.S. territory or Canadian driver's license with photo (non-U.S. citizens must also provide proof of legal status); valid out-of-state or Canada-issued learner's permit with photo (non-U.S. citizens must also provide proof of legal status); certified birth certificate or registration of birth (must be original or certified copy, have a seal, and be issued by an</p>	<ul style="list-style-type: none"> <li>➤ Applicants who have an SSN must present it. Applicants without SSNs may submit a sworn affidavit.</li> </ul>

ABBREVIATIONS: CIS U.S. Citizenship and Immigration Services • DL driver's license • DMV Dept. of Motor Vehicles • DOB date of birth • ID identification • IJ immigration judge • INS Immigration and Naturalization Service • IRS U.S. Internal Revenue Service • ITIN Individual Tax Identification Number • LPR lawful permanent resident • SAVE Systematic Alien Verification for Entitlements • SSA Social Security Administration • SSN Social Security number

STATE DRIVER'S LICENSE REQUIREMENTS • NILC • DECEMBER 2004 • PAGE 4 OF 31

STATE	SSN REQUIREMENT	LAWFUL PRESENCE REQUIREMENT	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p>authorized government agency, such as the bureau of vital statistics or state board of health; hospital-issued certificates and baptismal certificates are not acceptable as primary ID); Connecticut Non-Driver Identification Card if original issue date is Oct. 1, 2001, or later; valid passport, U.S. or Canadian (if foreign passport appropriate, INS or CIS documents also required); military ID or dependent card with photo; military discharge/separation papers; Connecticut pistol permit with photo; certified adoption papers. INS or CIS documents (must be valid and unexpired) as follows: Certificate of Naturalization; Certificate of Citizenship; valid foreign passport containing an I-551 stamp; valid foreign passport containing an I-94 (Arrival/Departure Record) and visa type; Alien Registration Receipt Card (resident alien card); temporary resident card; employment authorization card (must also provide verification of an application pending for lawful permanent residence). Refugee Travel Document (Form I-571).</p> <p><b>Secondary documents.</b> All primary documents; expired U.S./U.S. territory or Canadian DL with photo; court order (must contain full name, date of birth, and court seal; examples include adoption document, name-change document, gender-change document, etc.; abstract of criminal or civil conviction may not be used); foreign birth certificate (must be translated by approved translator); marriage license (certified copy only); parent/guardian affidavit (applies only to minors; parent/guardian must appear in person, prove his/her identity, and submit a certified/notarized affidavit regarding the child's identification); pilot's license; school record/transcript (must be certified); Social Security card (laminated or metal cards are not acceptable); Connecticut Dept. of Social Services (DSS)-issued public assistance card with photo; prison release document; expired passport; baptismal certificate or similar document; divorce decree; employee ID from state or federal government with signature and photo and/or physical description, with or without DOB.</p> <p><b>Note:</b> Holders of a B-1 or B-2 visitor's visa are not eligible for a DL or ID card unless they provide a valid employment authorization card and verification of an application pending for lawful permanent residence. Foreign students with an F-1 visa must present Form I-20 (Certificate of Eligibility for Nonimmigrant Student Status) and verification of current enrollment in a Connecticut school; holders of a J-1 visa are required to show Form IAP-66 (Certificate of Eligibility for Exchange Visitor Status); and all applicants will be verified through CIS for legal status before a driver's license/ID card will be issued.</p>	
DE	Yes (w/exception)	Yes (see comments)	<p>Applicants must present one primary document and one secondary document, two documents to prove state residency, and proof of lawful presence.</p> <p><b>Primary documents.</b> DL with photo; state/province/territory-issued photo ID; certified copy of DL or ID; U.S. birth certificate (must be original or certified copy, have a raised seal and be issued by the Bureau of Vital Statistics or State Board of Health); certain INS or CIS documents, including Certificate of Naturalization (N-550, N-570, or N-578), Certificate of Citizenship (N-560, N-561, or N-645), Northern Marianas card (I-551), American Indian card (I-551), U.S. citizen ID card (I-179 or I-197), resident alien card (I-151, I-551, AR-3, or AR-103), temporary resident card (K-688), nonresident alien Canadian border crossing card (I-185 or I-586), Arrival/Departure Record (I-94 or I-94W in a valid foreign passport), Arrival/Departure Record (I-94) with attached photo and stamped "Temporary Proof of Lawful Permanent Residence," "Processed for I-551" stamp in a valid foreign passport, permanent resident reentry permit (I-327), Refugee Travel Document (I-571), employment authorization card (I-688A, I-688B, I-766); Canadian immigration record and Visa or Record of Landing (IMM 1000); court order; U.S. military ID; U.S. passport; or foreign passport with INS or CIS documentation.</p> <p><b>Secondary documents.</b> Any primary document may be used as a secondary document; driver's license/ID card, expired more than one year; court order that does not contain the applicant's DOB; employment ID card; health insurance card, e.g., Blue Cross/Blue Shield, Kaiser, HMO; IRS/state tax forms; marriage certificate/license; medical records from doctor/hospital; military dependent ID; military discharge/separation papers; gun permit; pilot's license; school record/transcript (must be certified); Social</p>	<ul style="list-style-type: none"> <li>➤ SSN required if applicant is eligible for one.</li> <li>➤ The Division of Motor Vehicles (DMV) issued emergency regulations in March 2002 that require applicants for a license or ID card to demonstrate lawful presence.</li> <li>➤ The American Civil Liberties Union sent a letter to the DMV in October 2002 asking the agency to stop enforcing the emergency regulations because they are no longer valid (the regulations were effective for 120 days and renewable for 60 days). The agency continues to enforce the regulations despite their having expired.</li> </ul>

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STATE DRIVER'S LICENSE REQUIREMENTS • NILC • DECEMBER 2004 • PAGE 5 OF 31

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			Security card (metal card is not acceptable); Social Insurance card (Canadian residents only); student ID card with photo; vehicle title (vehicle registration not acceptable); welfare card; prison release document. <b>Proof of residency (must bear name and address).</b> Utility bills; hospital insurance card; auto or life insurance policies; W-2 or filed tax forms; voter registration card; bank account records; credit card statements; employment records; DMV computer records; rental agreements.	
★ DC	Yes	Yes (See comments)	<b>Applicants must present one of the following documents:</b> State-certified U.S. birth certificate or birth registration card; DC driver's license, learner's permit, or nondriver's ID card, which has not been expired for more than five years; driver's license, learner's permit, or nondriver's ID issued by another U.S. state or jurisdiction, which has not been expired for more than one year; U.S. passport that has not been expired for more than one year. <b>Applicants who do not have any of the above documents must present two of the following, one of which must bear the applicant's DOB:</b> Certified copy of high school records from a U.S. jurisdiction or territory; valid Form IAP-66 (Certificate of Eligibility for Exchange Visitor Status); U.S. military discharge papers (DD-214); U.S. military ID; health insurance card or policy stating applicant's full name, DOB, and SSN; valid college or university photo ID; original certified marriage certificate. <b>Proof of DC residency.</b> Complete utility bill showing applicant's name at current address, issued within the last 60 days; original lease or rental agreement with the name of the applicant listed as the lessee or renter (may include handwritten leases if notarized by lessee or authorized representative from a leasing company); voter registration card or certified voter registration application; written statement from a person owning the residence or residing with the applicant at the stated residence and a complete utility bill of that person and a copy of that person's valid DC driver's license or nondriver's ID card; deed, settlement agreement, or homestead exemption certificate; letter (on letterhead) from halfway house or shelter specifying that the applicant resides at that location. If the applicant is 16 or 17 years of age, the required notarized parental consent form will be accepted if accompanied by proper proof of DC residency of the parent or legal guardian.	<ul style="list-style-type: none"> <li>➤ Lawful presence requirement is specified in neither a law nor regulation, but the combination of documents required creates a lawful presence requirement.</li> <li>➤ DL expires when immigration document expires.</li> </ul>
★ FL	Yes (w/exception)	Yes	Applicant must present proof of identification, date of birth and lawful presence. <b>Immigrants must present:</b> I-551 stamp in passport or on I-94 (Arrival/Departure Record); or immigration judge's order, with the applicant's A-number, granting asylum; or Form I-797, with the applicant's A-number, stating that the applicant has been granted asylum; or I-797 or another form from CIS, with the applicant's A-number, stating the applicant's application for refugee status is approved. (Note: This list is not exhaustive. A list of all acceptable documents can be found at <a href="http://casey.hsmv.state.fl.us/intranet/dd/MemberSvc/NonImmigClass.html">http://casey.hsmv.state.fl.us/intranet/dd/MemberSvc/NonImmigClass.html</a> ) <b>Nonimmigrants must present:</b> Employment authorization card (Form I-6888 or I-766); or proof of nonimmigrant classification provided by the INS or CIS (Form I-94, Arrival/Departure Record, not expired, with required supporting attachment(s)). Any I-94 must be accompanied by a passport. Certain classifications require additional documentation. Some examples are: Persons with F-1 or M-1 visas must also present a Form I-20 (Certificate of Eligibility for Nonimmigrant Student Status); persons with J-1 or J-2 visas must also present a Form IAP-66 (Certificate of Eligibility for Exchange Visitor Status). Persons classified as refugees, asylees, or parolees must present additional documentation. The following documents will be accepted only with a supporting document (including but not limited to a passport, Florida driver's license or ID card, driver's license issued by any other state, employment authorization card, employment ID, ID from home country, ID from school or college, Social Security card, or other INS or CIS document): I-571 (Refugee Travel Document); I-512 (Authorization for Parole of an Alien); immigration judge's order granting asylum or cancellation of removal. <b>Canadian Citizens.</b> Canadian citizens residing temporarily in the U.S. (i.e., those who do not have lawful permanent resident status) are in "nonimmigrant" status and are allowed to stay in the U.S. without obtaining CIS documentation. Canadians without	<ul style="list-style-type: none"> <li>➤ Applicants who have an SSN must present it.</li> <li>➤ License expires with visa or immigration document.</li> <li>➤ Non-U.S. citizens must renew license and change-of-address in person.</li> <li>➤ Non-U.S. citizens applying for an original driver's license are issued a 30-day, nonphoto, paper temporary permit and a receipt. All records are then examined and run against Florida Dept. of Law Enforcement, FBI, and immigration-related databases. Upon identity and legal status verification, a driver's license is issued within 30 days and mailed to the address on the driver's record. If a problem is detected, a denial-of-issuance letter is mailed to the applicant.</li> </ul>

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STATE DRIVER'S LICENSE REQUIREMENTS • NILC • DECEMBER 2004 • PAGE 6 OF 31

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p>CIS documents must provide proof of their Canadian citizenship by presenting two of the following documents: Canadian passport; Canadian driver's license; original or certified Canadian birth certificate; or Canadian Naturalization Certificate.</p> <p><b>Note:</b> All required and supporting documents must be original or certified and be valid for more than 30 days from the date of issuance.</p>	
GA	Yes (w/exception)	Yes	<p>Applicants must present proof of identity, state residency, and lawful presence. Non-U.S. citizens must present one document each from Tier 1 and Tier 2.</p> <p><b>Tier 1</b> (document must be an original or certified copy). Original state-issued birth certificate (hospital birth certificates are not acceptable); certified copy of birth certificate (issued by vital statistics department, with affixed seal); certificate of birth registration; certified copy of court records (adoption, name change, or sex change); certified naturalization records; immigration ID card; valid passport.</p> <p><b>Tier 2.</b> If the identification document presented indicates that the individual is a non-U.S. citizen, a valid INS or CIS document must be presented. Dept. of Motor Vehicle Safety examiners currently accept any INS or CIS document that indicates the individual is currently authorized to be present in the United States.</p> <p><b>Proof of residency.</b> Utility bill with valid Georgia residence address; bank statement with valid Georgia residence address; rental contracts and or receipts; employee verification; Georgia license issued to parent, guardian or spouse.</p>	<ul style="list-style-type: none"> <li>➤ Applicants without an SSN must present Form SSAL686 from the SSA.</li> <li>➤ Documents presented must be either in English or translated into English by a translator approved by the Dept. of Motor Vehicle Safety.</li> </ul>
HI	Yes (w/exception)	No	<p>Applicants must present proof of name and age. Documents such as a valid DL, birth certificate, military ID, "along with other supporting documents," are accepted.</p>	<ul style="list-style-type: none"> <li>➤ SSN required if applicant is eligible for one. Applicants ineligible for an SSN must present a letter from the SSA stating that the applicant is ineligible for an SSN and a government-issued photo ID or other ID deemed acceptable by the DMV director.</li> </ul>
ID	Yes (w/exception)	Yes (See comments)	<p>Applicants must present proof of state residency, age and identity, and lawful presence (if the applicant does not have an SSN). Applicants must present 2 documents from the list of primary and secondary documents (at least 1 of the documents must be from the list of primary documents, and at least 1 must contain a photo).</p> <p><b>Primary documents.</b> State DL or ID card with photo, not expired for more than one year; Idaho DL or ID card not expired for more than five years; certified original or abstract birth certificate; valid INS or CIS card; U.S. military photo ID card; valid passport with U.S. visa; Idaho concealed weapons permit not expired for more than one year; pilot's license with photo, not expired more than one year; Veterans Universal Access card (with photo); and Native American tribal photo ID card.</p> <p><b>Secondary documents.</b> State DL or ID card with photo, expired for more than 1 year; U.S. military discharge paper (Form DD-214); certified marriage certificate meeting ID standards with seal and document number showing that it was recorded; certified divorce document from a court or state vital statistics department; original naturalization/citizenship document; guardianship or custody documents (notarized or court-certified); certified court name-change document; school transcript; home school document; junior or senior high school (but not college or university) photo activity card; school, college, or military yearbook/annual; printed photo directory of a religious organization; newspaper clipping with photo and name (if applicant can be identified in photo); unexpired Salt Lake City Mexican Consulate-issued photo ID card that is valid for five years from date of issue; verified photo work ID card (accepted at county discretion); ID automobile dealer/salesman photo ID card; Idaho Dept. of Corrections photo ID card; and Idaho Dept. of Juvenile Corrections photo ID card.</p> <p><b>Proof of Residency.</b> Acceptable documents include leases, rental agreements, utility bills, employment records, school enrollment records, etc. The home address cannot be the applicant's workplace, vacation residence, or part-time residence.</p>	<ul style="list-style-type: none"> <li>➤ If applicant has no SSN, s/he must: (1) present written verification from the SSA that s/he has not been assigned an SSN; (2) submit a birth certificate, passport, or other documentary evidence issued by an entity other than a state or the U.S.; and (3) submit such proof as the Division of Motor Vehicles may require that s/he is lawfully present in the U.S.</li> <li>➤ Applicants with a non-U.S. DL or ID card may be required to provide additional documents.</li> <li>➤ Non-English documents must be accompanied by an acceptable (as determined by the examiner or the Idaho Transportation Dept.) English-language document or an acceptable translation.</li> </ul>

ABBREVIATIONS: CIS U.S. Citizenship and Immigration Services • DL: driver's license • DMV: Dept. of Motor Vehicles • DOB: date of birth • ID: Identification • IJ: immigration judge • INS: Immigration and Naturalization Service • IRS: U.S. Internal Revenue Service • ITIN: Individual Tax Identification Number • LPR: lawful permanent resident • SAVE: Systematic Alien Verification for Entitlements • SSA: Social Security Administration • SSN: Social Security number

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
★ IL	Yes (w/exception)	Yes (See comments)	<p>New applicants must present one document from each of the four categories listed below.</p> <p><b>Signature.</b> Cancelled check (within 90 days); major credit card; government ID card; Cooperative Driver Testing Program (CDTP) certification form; driver education certificate; current Illinois DL; court order; government driver's license; immigration-related Forms I-551, I-688, I-688A, I-688B, I-766, or I-94; Medicare card with suffix A, J, H, M or T; US military DL; US military ID card; military service record (DD-214); mortgage or installment loan document; current out-of-state DL or ID card; U.S. or foreign passport; Social Security card.</p> <p><b>Proof of DOB.</b> Adoption records; birth certificate (original or certified by a board of health or bureau of vital statistics within the U.S., or by the U.S. State Dept., U.S. territory, or Canada); court order regarding change of birth date; official grade/high school transcript; current Illinois DL or ID card; immigration-related Forms I-551, I-688, I-688A, I-688B, I-766, or I-94; U.S. military driver's license; military ID card; military service record (DD-214); naturalization certificate; U.S. or foreign passport; SSA award letter.</p> <p><b>SSN.</b> Illinois DL record; Illinois ID card record; military DL; military ID card; US, military service record (DD-214); SSA award letter; social security card issued by the SSA.</p> <p><b>Residency/personal data.</b> Examples include utility bill, vehicle registration card, and voter registration card. Current forms of ID with an Illinois street address that do not appear on the list of unacceptable ID may also be used to verify residency. Any document listed in the first three categories, above, and other forms of ID not listed as unacceptable may be used to verify personal data. (For a list of unacceptable ID documents, see the Illinois Driver Services Dept. Web site: <a href="http://www.cyberdriveillinois.com/departments/drivers/acceptable_id.html">www.cyberdriveillinois.com/departments/drivers/acceptable_id.html</a>.)</p>	<ul style="list-style-type: none"> <li>➤ Effective Jan. 1, 2005, the Illinois secretary of state (SOS) may issue a temporary visitor DL to a noncitizen who (1) resides in the state, (2) is ineligible to obtain an SSN, and (3) presents proof of lawful presence.</li> <li>➤ A temporary DL is valid for 3 years or for the time that the person is authorized to remain in the U.S.</li> <li>➤ The SOS will adopt rules regarding the design and content of the temporary DL.</li> </ul>
IN	Yes (w/exception)	Yes (see comments)	<p>Applicants must present proof of identity and state residency. An applicant must present 1 primary document, 1 proof of Social Security number (SSN), 1 secondary document, and 1 proof of Indiana residency document; or 2 primary documents, 1 proof of SSN, and 1 proof of Indiana residency document. (Presenting a primary or secondary document may also establish the applicant's Indiana residency as long as the applicant's name and correct address are shown on the document).</p> <p><b>Primary documents.</b> U.S. birth certificate, with stamp or seal, issued by one of the following: county department or county board of health vital records/statistics division of the applicant's state of birth; state department or state board of health vital records/statistics division of the applicant's state of birth; the U.S. State Dept.; or a U.S. territory (American Samoa, Guam, Puerto Rico, or Virgin Islands) (translation may be required); certificate of report of birth abroad of U.S. citizen (DS-1350); U.S. consular report of birth (FS-240); U.S. certificate of naturalization/citizenship; valid U.S. military/merchant marine photo ID; valid U.S. passport. <b>Acceptable immigration-related documentation</b> includes the following: Valid foreign passport with visa that includes valid I-94 (Arrival/Departure Record) in passport indicating duration of stay in the U.S. (because Canadians are not required to have a visa in their passports when entering the U.S., they are exempt from this requirement); employment authorization card (I-688B or I-766); I-94 (Arrival/Departure Record) stamped "Section 207" refugee status; I-94 stamped "Section 208" asylum status; permanent resident card (I-551); temporary I-551 stamp; temporary resident card (I-688); Reentry Permit (I-327); Refugee Travel Document (I-571); and other INS or CIS documentation subject to Bureau of Motor Vehicles Driver Services approval. <b>Note:</b> Out-of-country licenses no longer accepted as ID or proof of driving experience.</p> <p><b>Secondary documentation.</b> Bank statement; certified academic transcript; confirmation of registration letter from an educational institution; court documentation with stamp or seal in applicant's name; foreign consulate-issued ID card; government-issued license or ID card; Hoosier RX Plan card with imprinted name; Indiana county pre-sentence investigation report with clerk stamp or seal; Indiana gun permit (valid); Indiana probation photo ID card; Indiana professional/occupational license (valid); Indiana BMV title application with BMV valid stamp; Indiana BMV title or registration (valid); insurance card; letter from probation officer or county caseworker on letterhead stationery, certified with court or county stamp or seal with the applicant's name and signature of</p>	<ul style="list-style-type: none"> <li>➤ Lawful presence and SSN requirement implemented administratively on July 15, 2002. A class action lawsuit challenges that the rule was implemented without going through the required rulemaking process. The suit—<i>Roe v. Coleman</i>, Marion County Superior Court, Indiana—is still pending.</li> <li>➤ Agency affidavit may be accepted from applicants who have never been issued an SSN.</li> <li>➤ An applicant submitting valid INS or CIS documentation who does not already have a valid license from another U.S. state or territory must first obtain an Indiana learner's permit. The applicant must hold the permit for at least sixty (60) days before being eligible to apply for an Indiana DL.</li> </ul>


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STATE DRIVER'S LICENSE REQUIREMENTS • NILC • DECEMBER 2004 • PAGE 8 OF 31

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p>the probation officer; major credit or bank card (MC, VISA, AE, and Discover <i>only</i>) (valid); original out-of-state driver record; out-of-state driver license, ID card or permit with photograph; pay check stub (computer generated); prison release documentation/photo ID; school report card (dated within 12 mos.); school photo ID card; Selective Service acknowledgement card (SSS Form 3A); U.S. divorce decree certified by court of law with stamp or seal; U.S. application of marriage/record of marriage (certified copy; must contain the stamped seal and be signed by the clerk); U.S. district court pre-sentence investigation report with clerk stamp or seal; U.S. military discharge or DD214 separation papers; U.S. Veterans Universal Access ID card with photo; W-2 form (federal or state) or 1099 federal tax form.</p> <p><b>Proof of Indiana residency.</b> Any document from the list of "primary documents" or "secondary documentation," above, may be used as proof of Indiana residency, as long as the document contains the applicant's name and residential address. For purposes of this policy, a post office box is not an acceptable residential address. Examples of proof of residency include, but are not limited to, the following: child support check from Indiana Family and Social Services Administration, with name and address of the applicant attached; change of address confirmation form (CNLI07) from U.S. Postal Service listing old and new address; current bill, or benefit statement (within 60 days of issuance); Indiana DL, ID card, or permit with photo; Indiana property deed or tax assessment; Indiana surveyor report; Indiana residency affidavit; or voter registration card.</p> <p><b>Proof of SSN.</b> For issuance of new DL or learner's permit, applicant must provide proof of his/her SSN. If applicant's SSN is already listed on the Bureau of Motor Vehicles (BMV) file, only verbal verification is required. Metal or plastic "replicas" of a Social Security card are not accepted. Acceptable SSN verification: Social Security card; NUMI Report (stamped and issued from SSA office in Baltimore, MD, in applicant's name); letter signed and stamped from an Indiana SSA district office in applicant's name; valid U.S. military ID card; and BMV Social Security affidavit (only to be used by applicant attesting that he/she has never been issued an SSN).</p>	
<p>★ IA</p>	<p>Yes (w/exception)</p>	<p>Yes (see comments)</p>	<p>Applicants must present proof of identity, age, state residency, and lawful presence.</p> <p><b>Primary documents.</b> Photo DL or a certified copy of a DL that is valid or has not been expired more than one year; photo ID card or certified copy of the card issued from the same state agency that issues DLs and that has not been expired more than one year (some states excepted); original or certified copy of U.S. or Canadian birth certificate that has raised seal and is government-issued (hospital birth certificate is not acceptable); INS or CIS document; court order containing the applicant's full name, DOB, and court seal (abstracts not accepted); military ID card (dependent ID card not accepted); valid U.S. or Canadian passport or foreign passport with appropriate INS or CIS document; and ID card issued by Canadian Dept. of Indian Affairs (U.S. Bureau of Indian Affairs or tribal ID cards not acceptable).</p> <p><b>Secondary documents.</b> Any primary document; Bureau of Indian Affairs card; photo DL or photo ID card expired one year or more; court order that does not contain the applicant's DOB but does have full name; foreign birth certificate translated by approved translator; military discharge or separation papers (DD-214); military dependent ID card; employment ID card; health insurance card; IRS or state tax document completed by the governmental agency (W-2, 1040, 1040A, 1040EZ, and related forms completed by taxpayer not acceptable); marriage license or certificate; medical records from doctor or hospital (original or authenticated); gun permit; pilot's license; certified school record or transcript; Social Security card issued by the SSA (metal version of card not acceptable); Canadian Social Insurance card; photo student ID card; vehicle certificate of title (vehicle registration not acceptable); voter registration card; welfare card; prison release document; and certified or notarized affidavit identifying minor child that is personally provided by child's parent or guardian (parent or guardian must provide acceptable proof of his/her identity).</p> <p><b>Proof of state residency.</b> IA voter registration card; IA vehicle registration certificate; utility bill showing 30 days of residency; statement from an IA financial institution showing 30 days of residency; rental or lease agreement showing 30 days of residency; pay check or pay stub from an IA employer; children's school enrollment papers; documentation showing a filing for homestead or</p>	<ul style="list-style-type: none"> <li>➤ Applicants who are "temporary foreign nationals" and are ineligible for an SSN must present CIS documents.</li> <li>➤ Lawful presence requirement is not in the statute or regulations, but has been implemented by the state agency.</li> <li>➤ Licenses issued to "foreign nationals who are temporarily present in the country" are limited to the period of time the person is authorized to be in the U.S., not to exceed two years.</li> <li>➤ A class action lawsuit challenges the requirement that driver's license applicants present proof of lawful presence and an SSN: <i>Sanchez et al. v. Iowa et al.</i>, No. 04-0176 (Supreme Court of Iowa).</li> </ul>

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STATE DRIVER'S LICENSE REQUIREMENTS - NILC - DECEMBER 2004 - PAGE 9 OF 31

STATE	SSN REQUIREMENT	LAWFUL PRESENCE REQUIREMENT	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p>military tax exemption on property in Iowa. Other items will be reviewed by licensing personnel.</p> <p><b>Proof of SSN.</b> Only the following documents may be used to verify the applicant's SSN: Social Security card (metal version of the card is not acceptable); previous IA license or ID if it bears the applicant's SSN; IRS or state tax document completed by the appropriate governmental agency (W-2, 1040, 1040A, 1040EZ and related forms completed by the taxpayer are not acceptable); financial statement containing the SSN; payroll stub containing the SSN; and military ID card bearing the SSN.</p>	
KS	Yes (w/exception)	Yes	<p>Applicants must present proof of identity and lawful presence. Non-U.S. citizens must present two documents, one of which must be from the list of documents required of noncitizens).</p> <p><b>Documents required of non-U.S. citizens</b> (applicant must present one document from list). Valid foreign passport with I-94 (Arrival/Departure Record) or valid "Processed for I-551" stamp; I-94 indicating that bearer has refugee status (passport not required); valid I-551 resident alien/permanent resident card; valid I-688 (temporary resident card with photo); I-688A, I-688B, and I-766 (employment authorization card with photo); valid U.S. military ID (dependent); no border-crosser cards are acceptable.</p> <p><b>Secondary documents.</b> Certified marriage certificate (U.S., city-, county-, state-, or foreign-issued; translation may be required; no church documents allowed); certified divorce decree, U.S. or foreign, with official signature (translation may be required); certified court order of name change, U.S. or foreign, with official signature (translation may be required); common law certificate signed by both parties and notarized; valid U.S. military ID (active duty, dependent, retired, reserve, and National Guard); Bureau of Indian Affairs tribal ID card; certified court order of adoption; photo DL or ID card issued by a U.S. state (if expired, additional documentation required); valid motor vehicle registration with signature; valid motor vehicle insurance card or policy; Selective Service card with signature; valid life insurance card or policy; valid health insurance card or policy; valid Kansas hunting or fishing license; vehicle title; diploma; professional license; Kansas welfare card with photo and signature; foreign DL (certified translation may be required); parole documents; baptismal certificate; medical records; Kansas voter registration card; church marriage certificate (not accepted to change name); photo DL issued by a U.S. state (if expired over 5 years, additional documentation required); photo ID issued by a U.S. state (if expired, additional documentation required); and foreign birth certificate.</p>	<p>➤ An applicant who does not have an SSN must submit a sworn statement to that effect.</p>
 KY	Yes (w/exception)	Yes	<p>According to a Kentucky Division of Motor Vehicle Licensing official, state documentation requirements are not in writing, but Kentucky uses the American Association of Motor Vehicle Administrators (AAMVA) standards.</p> <p>Non-U.S. citizen lawful permanent residents must present either an I-551 (permanent resident card), a form with a photo of the applicant, or a passport with a photo that is stamped by the INS or CIS as temporary evidence of lawful admission for permanent residence, with an expiration date and employment authorization indicated. <b>Note:</b> Non-U.S. citizens with B-1 or B-2 "visitor" status will not be approved for a Kentucky driver's license or ID.</p> <p>All noncitizens must provide proof of residency in Kentucky. Proof of residency shall include, but is not limited to, a deed or property tax bill, utility agreement or utility bill, or housing agreement.</p>	<p>➤ Applicants without an SSN must provide:</p> <ul style="list-style-type: none"> <li>• an ITIN,</li> <li>• a letter from the SSA declining to issue the person an SSN, or</li> <li>• a notarized affidavit from the applicant to the Kentucky Transportation Cabinet swearing that the applicant either does not have an SSN, or refuses to divulge his or her SSN because of his/her religious convictions.</li> </ul> <p>➤ With the exception of LPRs, all non-U.S. citizens wishing to apply for a KY DL must submit an application to a Division of Driver Licensing (DDL) regional office. Once the DDL approves the application, the DL will be issued from the circuit court clerk's office in the county where the applicant resides.</p> <p>➤ LPRs may go directly to the circuit court clerk's office for licensing. They must present their permanent</p>

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				<p>resident card or I-551 with photo issued by the CIS.</p> <ul style="list-style-type: none"> <li>➤ License expires when visa expires, or after four years, whichever is sooner. "Special Status Individuals" (asylees, refugees, persons paroled in public interest) will receive a 4-year DL.</li> <li>➤ College students must present an I-20 form completed by university, along with proof of current academic good standing. J1 exchange visitors must have DS2019.</li> <li>➤ Applicants on work related Visa (excluding Employment Authorization Cards) must present proof of employment within last 30 days (i.e., payroll check, verification on company letterhead). Spouse of an L-1 must present proof that spouse is employed.</li> <li>➤ DLs issued by other states accepted only if the bearer is a U.S. citizen.</li> </ul>
<p>★ LA</p>	<p>Yes (w/exception)</p>	<p>Yes</p>	<p>Applicants must present proof of identity and lawful presence. One primary and two secondary documents, or two primary documents, are required.</p> <p><b>Primary documents.</b> Certified copy of birth certificate (long form); original birth certificate (need not bear seal); birth registration card or certificate issued by a state or county bureau of vital statistics with raised agency seal; birth card (short form); passport; permanent resident card (I-551 Note: If the photograph on the I-551 was taken prior to the applicant's 14th birthday and the applicant is now over age 14, the applicant must be referred to The Office of Homeland Security for issuance of a new I-551 prior to processing the application.); Refugee Travel Document (I-571), permit to reenter the U.S. (I-327), employment authorization document (I-688B or I-766); Certificate of Naturalization; valid U.S. military ID card, or draft record, or military dependent ID card; current U.S. Coast Guard Merchant Mariner card; certification of birth abroad issued by U.S. Dept. of State; Native American tribal document; Dept. of Public Safety and Corrections prison or parish ID card containing photo, name, race, sex, and DOB.</p> <p><b>Secondary documents.</b> Out-of-state DL with photo that clearly identifies the bearer (an official copy of the applicant's driving record from the last state to issue him/her a DL will be required if the applicant has lost his/her out-of-state license) (Note: Any non-U.S. DL must be accompanied by proper immigration documents); Social Security card or official written documentation from the SSA verifying SSN or specifying no number has been assigned or the applicant is ineligible for an SSN; out-of-state photo ID card issued by a state DMV; student ID card from a Louisiana college or university when accompanied by a 100% fee-paid receipt for current semester; original adoption papers; original high school, college, or university diploma; original (issued at time of ceremony) or certified copy of marriage license, or marriage certificate from a county, parish, or city in U.S., or original or certified copy of divorce from a county, parish, or city in the U.S.; church baptismal certificate; Louisiana voter registration card; official deeds or title to property in Louisiana, including burial plot deeds, registration, or certificate of title of vehicle in applicant's name; local utility statements showing name and address of individual applying, or receipt showing public utilities have been turned on (statements from a city other than the application city will not be accepted); insurance policy (health, home, life, auto); payroll stubs (must show applicant's SSN; cannot be handwritten stubs); temporary resident card (Form I-688); school yearbook (provided picture clearly identifies applicant); Medicare/Medicaid card or medical eligibility card; prison release documents or letter from probation officer (denote a PEN number (SID) on fly sheet whenever possible); DD-214 (military discharge papers); Selective Service notification to</p>	<ul style="list-style-type: none"> <li>➤ Applicants not eligible for an SSN must present official documentation from the SSA verifying that no SSN has been assigned to them or that they are ineligible for an SSN.</li> <li>➤ Temporary licenses are granted to individuals employed in the agriculture industry regardless of their immigration status. Such licenses are good for one year.</li> <li>➤ Non-U.S. citizen's license expires when his/her visa expires.</li> <li>➤ Noncitizens must renew licenses in person.</li> <li>➤ Nonimmigrants (i.e., non-permanent residents) must show upon applying for a Louisiana license or ID card that their I-94 (Arrival/Departure Record) or employment authorization document has at least 180 days of validity remaining.</li> </ul>

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
STATE DRIVER'S LICENSE REQUIREMENTS • NILC • DECEMBER 2004 • PAGE 11 OF 31

STATE	SSN REQUIREMENT	LAWFUL PRESENCE REQUIREMENT	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			applicant at his address; original or certified copy of any professional degree, certificate, or license; school records or at least two report cards from separate years; vehicle lien instrument; any government law enforcement officer's ID or badge, if in uniform, a police unit, etc. (private security company guard IDs not accepted); letter of verification/introduction from another state agency responsible for placement of deprived or handicapped persons (i.e., Blind Services); employment ID with photo, provided photo clearly identifies applicant (IDs from major corporations, hospitals, governmental agencies, etc.); ID card issued by federal, state, or local government agency or entity, provided it contains a photo that clearly identifies individual and information such as name, DOB, sex, height, and address; W-2 forms for two years; medical card; certificate from Dept. of Education for driver's education course completion; 6-Hour Pre-licensing Completion Certification; certificate from 36-hour pre-licensing course; original Refugee Resettlement Program letter with color picture of applicant (the color picture will have the agency director's signature across it and a raised agency seal overlapping; such a letter is acceptable for 15 days from its issue date).	
ME	Yes (w/exception)	Yes (see comments)	<p><b>Acceptable documents.</b> DL; driver's permit; driver education card; Social Security card; passport; birth certificate; military ID card; citizenship papers; dependent ID card; divorce papers; certificate of marriage; baptismal records; court order; school records/transcript (certified); unemployment card; concealed weapons permit; adoption papers.</p> <p><b>Note:</b> Applicants under the age of 23 must provide proof of age.</p>	<ul style="list-style-type: none"> <li>➤ SSN not required if applicant is ineligible for one.</li> <li>➤ Lawful presence requirement is not in the statute, but lawful presence is required by the DMV if the applicant does not have an SSN.</li> </ul>
MD	Yes (w/exception)	No	<p>Foreign-born applicants must present 2 documents to prove state residency and 2 primary documents or 1 primary and 2 secondary documents to prove identity. One of the sources of identification must contain the applicant's signature, and 1 must contain the applicant's DOB.</p> <p><b>Primary sources of identification.</b> Government (U.S. or U.S. territory)-issued original birth certificate or certified copy; Social Security card; valid U.S. passport; valid U.S. military ID card or discharge record (DD-214); Maryland DL; Maryland ID card; out-of-state DL (current or expired); out-of-state ID card (current or expired); certificate of naming from religious institution, such as baptismal certificate; naming certificate issued during first year of life; certified school records; valid out-of-country passport; certificate of U.S. citizenship (Form N-560 or N-561); valid permanent resident card (I-551); valid employment authorization card (I-688A or I-688B); valid employment authorization document (I-766); valid temporary resident card (I-688); Certificate of Naturalization (Form N-550 or N-570); I-94 (Arrival/Departure Record); non-U.S. DL with translation into English (current or expired); international DL (current or expired); and U.S. government DL.</p> <p><b>Secondary sources of identification.</b> Selective Service card; pistol permit with photo or fingerprint; vehicle registration card or title; voter registration card; document prepared by government agency that contains applicant's signature; utility or telephone bill (in applicant's name); checking or savings account statement; life insurance card or policy (over 3 years old); property tax bill or receipt; mortgage account or proof of homeownership; residential rental contract; canceled; marriage certificate; divorce decree; retail sales/financial institution sales agreement; and in-person identification by the applicant's parent or guardian, except this may not be accepted as the sole proof of age.</p> <p><b>Proof of residence.</b> Selective Service card; Maryland vehicle registration card or title; voter registration card; utility, telephone or cable bill with postmarked envelope; checking or savings account statement with postmarked envelope; life, car, health or homeowner's insurance card, bill or policy (over 3 years old); property tax bill or receipt; mortgage account or proof of homeownership; residential rental contract; canceled check with imprinted name and address; first class mail from any government agency; major credit card bill with postmarked envelope; installment loan contract from a bank or other financial institution; sales tax or business license; U.S. savings bond; residential service contract (e.g., TV repair, lawn service, or exterminator contract); court order of probation, order of parole, or order of mandatory release; W-2 form not more than 18 months old; pay check/stub with name and address; U.S. mail with forwarding address label; first class mail from any government agency; investment statement with</p>	<ul style="list-style-type: none"> <li>➤ Applicants ineligible for an SSN are required to provide a "self certification" stating that the applicant is ineligible for an SSN.</li> <li>➤ All applicants who present immigration or foreign documents are required to schedule an appointment to take place at one of the few offices designated to handle such applications.</li> <li>➤ On Sept. 12, 2003, the Maryland attorney general issued a decision that a person's inability to prove lawful presence in the U.S. is not a basis for denying the person a Maryland DL.</li> <li>➤ Foreign documents or documents issued outside the U.S. may be used as a primary or secondary source of identification if translated into English by a court-certified translator/interpreter or by the embassy of the country in which the document was issued. The original document must accompany the English translation. A translation must be on a document prepared by a certified court translator or on the letterhead of the embassy of the document's country of origin; AND it must contain (1) the typed or printed name of the translator, (2) the translator's telephone number, and (3) his/her signature.</li> </ul>


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STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p>postmarked envelope; retirement plan statement with postmarked envelope; current transcript from an accredited college or university; signed tax return not more than 18 months old; mail, with postmarked envelope, from an accredited college or university. Under certain conditions, the Motor Vehicle Administration will accept certification from a parent, nursing home, or homeless shelter as proof of residence. A post office box number may be used in conjunction with a resident's address if they are in the same zip code area. A post office box or private mail drop address by itself is not acceptable.</p>	
MA	Yes (w/exception)	Yes (see comments)	<p>Applicants must present an SSN or a valid, current U.S. or current non-U.S. passport. They must also present 3 original forms of identification, at least one of which must be from the list of primary documents. Together, the documents must establish the applicant's DOB, signature, and Massachusetts residency.</p> <p><b>Primary documents.</b> Current or expired U.S. or non-U.S. passport with photo and signature; current or expired Massachusetts firearms permit with photo, signature, and DOB; school yearbook with applicant's photo; certain INS documents; current or expired U.S. military ID (or military dependent) with photo, signature, and DOB; current or expired U.S. Merchant Mariner card with photo, signature, and DOB; current Massachusetts learner's permit or ID card; expired Massachusetts license or ID (not expired for over 1 year); current or expired license (not expired for over 1 year) with photo, signature, and DOB issued by a state, territory, or possession of the U.S., D.C., a province of Canada, or a state of Mexico or the Federal District of Mexico City (a certified copy is acceptable); original birth certificate issued by the U.S. or one of its territories or a copy certified by the agency that issued the original certificate or a copy certified by a Bureau of Vital Statistics or a state Board of Health within the United States (a hospital issued certificate is not acceptable); certified or attested copy of court order of a federal, state, or county court within the U.S. that contains a raised court seal and includes applicant's full name and DOB; original or certified copy of baptismal certificate, provided that the certificate was issued within one year of the applicant's birth in the U.S. (must bear DOB); original letter issued by principal, headmaster, or official keeper of records of Massachusetts school that indicates the applicant is currently a resident student and that includes applicant's name and DOB.</p> <p><b>Secondary documents.</b> Home mortgage, lease, or loan papers with applicant's name and signature; life insurance papers with applicant's name, signature, and date of signing; U.S. military discharge papers with applicant's name and signature; notarized copy of completed income tax return filed with U.S. Internal Revenue Service or a state revenue department; bank passbook, bank checkbook, or statement with applicant's name and address; original or certified copy of divorce decree; original or certified copy of marriage certificate; original or certified copy of non-U.S. birth certificate; current or expired ID (not expired more than one year) with photo and applicant's signature issued by a U.S. agency, D.C., a state, a municipality, a territory, a possession of the U.S., a province in Canada, or a state in Mexico, including the Federal District of Mexico City; Bureau of Indian Affairs treaty card; utility bill (not more than 60 days old), or property tax or excise tax bill for current or immediately prior year, containing applicant's name and address; cancelled bank check with preprinted address and dated not more than 60 days earlier; original Massachusetts Dept. of Correction discharge or release certificate; current or expired non-U.S. license with applicant's signature; tuition bill or loan coupons with applicant's current address, or an original school transcript with name and address.</p>	<ul style="list-style-type: none"> <li>➤ An applicant without an SSN may present written denial from the SSA explaining why he/she isn't eligible for SSN. In this case, the applicant must also provide evidence of an acceptable visa code. A list of acceptable and unacceptable visa classes can be found at <a href="http://www.mass.gov/rmv/license/16visacodes.htm">http://www.mass.gov/rmv/license/16visacodes.htm</a>.</li> <li>➤ While the statute does not require lawful presence, documentation requirements create an ad hoc lawful presence requirement.</li> <li>➤ Non-English documents must be translated.</li> </ul>
MI	Yes (w/exception)	No	<p>Applicants must present proof of SSN, name, and DOB. They must present 3 documents, at least one of which must be from the list of primary documents.</p> <p><b>Primary documents</b> (Primary-group documents must show the applicant's full name and DOB. Expired documents are acceptable if the documents are authentic and still represent the applicant.). U.S. birth certificate (must be certified and cannot be a hospital birth certificate); U.S. military photo ID card; U.S. military dependent ID card; out-of-state or Canadian DL or ID card with photo; U.S. or Canadian passport; permanent resident card (I-551); certificate of naturalization; certificate of U.S. citizenship; employment authorization documents; non-U.S. passport accompanied by English translation.</p>	<ul style="list-style-type: none"> <li>➤ SSN not required if person is exempt from obtaining one or, because of his/her religious convictions, is exempt under law from disclosure of his/her SSN.</li> <li>➤ Applicants that have never been issued an SSN must certify to that fact on an application obtained at a Secretary of State branch office.</li> <li>➤ Non-English documents must be translated.</li> </ul>

ABBREVIATIONS: CIS: U.S. Citizenship and Immigration Services • DL: driver's license • DMV: Dept. of Motor Vehicles • DOB: date of birth • ID: identification • IJ: immigration judge • INS: Immigration and Naturalization Service • IRS: U.S. Internal Revenue Service • ITIN: Individual Tax Identification Number • LPR: lawful permanent resident • SAVE: Systematic Alien Verification for Entitlements • SSA: Social Security Administration • SSN: Social Security number

STATE	SSN REQUIREMENT	LAWFUL PRESENCE REQUIREMENT	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p><b>Secondary documents.</b> DL from another country accompanied by English translation (international driving permit is not acceptable); birth certificate; marriage license or divorce decree from another country accompanied by English translation; nonimmigrant visa issued by the U.S. State Dept.; vehicle title or registration from Michigan or another state; marriage license from Michigan or another state; divorce decree from Michigan or another state; order for name change from court within U.S.; photo ID card issued by Michigan government agency (prison cards not accepted); certified birth certificate (for child) showing applicant as a parent; Michigan driver education certificate; non-photo out-of-state or Canadian DL; Michigan adoption record; school ID card with photo; school records, diploma, yearbook, etc., from U.S. school, college, or university; U.S. military discharge or separation documents.</p>	
 MN	Yes (w/exception)	Yes	<p>Applicants for a DL or learner's permit may present a Minnesota DL, learner's permit, or state ID card that is current or expired for 5 years or less if it has a photo or, if it does not have a photo, one that has been expired for one year or less. If the applicant does not have one of the items listed above, he or she must present one primary and one secondary document</p> <p><b>Primary documents.</b> Certified copy of a birth certificate issued by a government bureau of vital statistics or board of health in the U.S., District of Columbia, Guam, Puerto Rico, or the Virgin Islands; Certificate of Birth Abroad (FS-545 or DS-1350) issued by the U.S. State Dept.; Report of Birth Abroad of a United States Citizen (FS-240) issued by a U.S. embassy; certified copy of an adoption certificate from a U.S. court; unexpired active duty or retired military ID card (Form DD-2) issued by the U.S. Defense Dept.; valid, unexpired U.S. passport; valid, unexpired passport from a country other than the U.S. with an unexpired I-551 stamp or an unexpired I-94 (Arrival/Departure Record); a Canadian birth certificate or naturalization certificate with a valid I-94 attached (must be presented with a photo secondary document issued by a Canadian government agency); or one of the following valid, unexpired documents: Certificate of Naturalization (N-550, N-570, or N-578), Certificate of Citizenship (N-560, N-561, or N-645), U.S. citizen ID card (I-179 or I-197), permanent resident or resident alien card (I-551 or I-151), Northern Mariana card (I-873), American Indian card (I-872), employment authorization card with photo (I-688, I-688A, I-688B, or I-766), Reentry Permit (I-327); or Refugee Travel Document (I-571).</p> <p><b>Secondary documents.</b> A second document from the list of primary documents; photo driver's license, state ID card, or learner's permit issued by a U.S. state other than Minnesota, the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, or a Canadian province or territory, and that is current or expired for 5 years or less; certified copy of a U.S. or Canadian court order with full legal name and DOB; employee photo ID card from a government jurisdiction in the U.S. or Canada; certified copy of a birth certificate from a government jurisdiction other than the U.S., the District of Columbia, Guam, Puerto Rico, or the U.S. Virgin Islands; current ID card (DD-1173 or DD-214) issued by the U.S. Defense Dept.; certified copy of a government-issued marriage certificate; unexpired color-photo permit to carry a firearm or concealed weapon, issued by a U.S. police department or sheriff; current pilot's license issued by the Federal Aviation Administration; certified secondary or post-secondary school transcript containing full name and DOB; nonmetal, non-laminated U.S. Social Security card or Canadian Social Insurance card; current secondary school student ID card with student's name, photo, and DOB or unique ID number.</p>	<ul style="list-style-type: none"> <li>➤ Applicants with no SSN must certify that they do not have an SSN.</li> <li>➤ Non-U.S. citizens who present documents demonstrating lawful presence and expiring 30 days or more from the date of their application for a DL receive a DL with "status check" printed on it in red ink, as well as the date on which their visa expires. Noncitizens whose documents expire in less than 30 days from the date of the application are ineligible to receive a DL.</li> </ul>
 MS	Yes (w/exception)	Yes	<p>Applicants must present their Social Security card, or a printout from SSA, a certified copy of their birth certificate, proof of residency, AND 2 documents from the "primary documents" list OR 1 from the "primary documents" and 1 from the "secondary documents" list.</p> <p><b>Primary documents.</b> DL (cannot have been expired more than 6 months); certificate of birth (must be original or certified copy, have a raised seal, and be issued by a bureau of vital statistics or state board of health); state-issued ID card (cannot have been expired more than 6 months); INS or CIS documents to be determined; court order (e.g., order regarding an adoption, a name change, etc.); must contain full name and DOB); military ID; valid passport, U.S. or Canadian (if foreign, appropriate INS document</p>	<ul style="list-style-type: none"> <li>➤ Non-U.S. citizens without SSN may be issued a DL that is valid for one year. The DL includes the word "non U.S. citizen" on its face and "nontransferable" on the back.</li> </ul>

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STATE	SSN REQUIREMENT	LAWFUL PRESENCE REQUIREMENT	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p>also required); state-issued learner's permit (cannot be expired more than six months).</p> <p><b>Secondary documents.</b> Bureau of Indian Affairs card/Indian Treaty card (tribal ID card is not acceptable); court order that does not contain DOB; employment ID card; foreign birth certificate (must be translated by approved translator); health insurance card; IRS/state tax forms (W-2 not acceptable); marriage certificate/license; medical records from doctor or hospital; military dependent ID; military discharge/separation papers; parent/guardian affidavit (must appear in person, prove s/he is the parent or guardian, and submit certified/notarized affidavit; applies only to minors); photo gun permit; pilot's license; school record/transcript (must be certified); Social Security card (metal card is not acceptable); student photo ID card; vehicle title or registration; voter registration card.</p> <p><b>Proof of residency.</b> Electric bill; water bill; lease or rental agreement; car tag registration receipt; mortgage papers; homestead exemption receipt; bank statement with physical address (no blank checks accepted); notarized employer verification on employer's letterhead, stating applicant's address (must include phone number); Mississippi license issued to parent or legal guardian when applicant is under 21 years of age.</p>	
 MO	Yes (w/exception)	Yes	<p>Applicants must present one primary document and one secondary document.</p> <p><b>Primary documents.</b> U.S. or Canadian photo DL (includes DL issued by a territory of the U.S. or Canada); U.S. or Canadian photo ID card/nondriver license (includes ID issued by a territory of the U.S. or Canada); microfilm copy or image portfolio of a DL or ID card/nondriver license certified by the issuing agency with an embossed seal of the issuing agency (copy of Missouri image portfolio or license negative obtainable at Motor Vehicle and Drivers' License Fee office); birth certificate (issued in the U.S. or Canada, including their territories; must be original or certified copy, have a seal, and be issued by an authorized government agency such as a bureau of vital statistics or a state board of health; hospital-issued birth certificates and baptismal certificates are not acceptable); immigration status-related documents (must be valid and unexpired) as follows: Certificate of Naturalization (N-550, N-570 or N-578), Certificate of Citizenship (N-560, N-561 or N-645), Northern Marianas card, American Indian card, U.S. citizen ID card (I-179 or I-197), permanent resident card (I-551), temporary resident card (I-688), Arrival/Departure Record (I-94) in a valid non-U.S. passport, valid non-U.S. passport containing an I-551 stamp, U.S. Reentry Permit (I-327), Refugee Travel Document (I-571), employment authorization card (I 688A, I-688B, I-766), Arrival/Departure Record (I-94) stamped "Refugee" (refugee I-94's will likely not be in a foreign passport), Canadian Immigration Record and Visa or Record of Landing (IMM 100), valid U.S. or Canadian passport (including one issued by a territory of the U.S. or Canada); non-U.S. passport accompanied by appropriate INS or CIS document: active duty, retiree or reservist military ID card; learner's permit w/ photo issued by a U.S. or Canadian state, province, or territory.</p> <p><b>Secondary documents.</b> All primary documents listed above; court order (e.g., relating to adoption, name-change, gender-change, etc.; must contain full name, DOB, and court seal; abstract of criminal or civil conviction not acceptable); immigration-related documents listed under "primary documents," above, that have been expired one year or less; Bureau of Indian Affairs card/Indian Treaty card (tribe-issued cards are not acceptable); employment photo ID card; non-English language birth certificate; health insurance card; IRS or state tax form (W-2 is not acceptable); marriage certificate/license; medical records from doctor or hospital; military dependent ID card; military discharge/separation papers; parent/guardian affidavit (parent/guardian must appear in person, prove his or her identity, and submit a notarized affidavit, Form DOR-4861, regarding the child's identity; affidavit may be submitted only on behalf of a minor); gun permit; pilot's license; school record/transcript that is certified with an embossed seal of the issuing school or dept. of education; Social Security card (metal or laminated card is not acceptable) (NOTE: An SSA printout verifying an SSN also is not acceptable); student photo ID card; vehicle title (vehicle registration is not acceptable); photo public assistance card; prison release documents.</p>	<ul style="list-style-type: none"> <li>➤ Applicants without an SSN can sign an affidavit stating that they do not have one.</li> <li>➤ As of July 1, 2005, the Missouri Director of Revenue shall not issue a DL for a period that exceeds the period during which an applicant is authorized to remain in the U.S.</li> </ul>


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STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
MT	Yes (w/exception)	No	<p>Applicants must present proof of identity and state residency. They must present one primary and one secondary document.</p> <p><b>Primary documents.</b> Color photo DL or ID card, not expired for more than 4 years, issued by U.S. or Canadian jurisdiction; certified copy of birth certificate issued by U.S. or Canadian jurisdiction or by U.S. Dept. of State or U.S. embassy as Report of Birth Abroad of a U.S. Citizen; unexpired passport issued by U.S. Dept. of State or Canadian government; valid unexpired passport issued by jurisdiction other than U.S. or Canada AND either attached I-94 (Arrival/Departure Record) or unexpired resident alien I-551 stamp; one of the following unexpired documents: Certificate of Naturalization, Certificate of Citizenship, Northern Marianas card, American Indian card, U.S. citizen ID card, resident alien card, temporary resident alien card, U.S. Reentry Permit, Refugee Travel Document, employment authorization card, Arrival/Departure Record (I-94) stamped "refugee"; U.S. or Canadian-issued instruction/learner's driving permit or receipt of DL or permit, if current and contains photo of applicant and applicant's DOB; prison inmate ID card issued to applicant by Montana Dept. of Corrections that contains a photo or digitized image of applicant and applicant's DOB; digital ID card issued to applicant by federally recognized Indian tribe whose reservation is located in Montana that contains a digitized image of applicant, applicant's DOB, and tribal enrollment number; emergency ID photo issued and certified by driver licensing authority of U.S. or Canadian jurisdiction that includes applicant's name and DOB.</p> <p><b>Secondary documents.</b> Second primary document: original U.S. Social Security card or Canadian Social Insurance card; certified copy of marriage certificate or license issued by government jurisdiction; U.S. or Canadian DL or ID card that has been expired for more than one year but not more than five; current U.S. or Canadian government jurisdiction employee photo ID card; U.S. or Canadian DL or ID card that is current but does not have color photo; certified copy of court order or judgment from U.S. or Canadian court of competent jurisdiction containing applicant's full legal name and DOB; any INS or CIS document approved as a primary document, but that has not been expired more than one year; certified copy of birth certificate issued by jurisdiction other than by state, territory or possession of U.S., D.C., or Commonwealth of Puerto Rico, or province or territory of Canada; certification of release or discharge issued by U.S. Dept. of Defense; Medicare, Medicaid, or health insurance card with applicant's name and applicant's individual Medicare, Medicaid, or health insurance ID number; unexpired color photo firearm or concealed weapon permit issued by chief of police in an organized, full-time police dept. or by county sheriff in local jurisdiction within U.S.; current pilot's license issued by U.S. Federal Aviation Administration; certified copy of school records or transcript containing applicant's full name and preferably DOB and issued by elementary, secondary, or post-secondary school; certificate of completion of Montana dept.-approved traffic or driver's education course containing applicant's name and DOB; current school photo ID card with student's name and student ID number; certified copy of fax or photocopy of certified copy of birth certificate of applicant's child, if certificate lists applicant's name and DOB as parent.</p> <p><b>Proof of residency.</b> Any primary or secondary document; a U.S. or Montana income tax return from the previous year; a Montana voter registration card; a receipt for personal or real property taxes paid within the last year to the state of Montana or a Montana county; a current auto or life insurance policy or statement; a certified copy of school records issued by the school that the applicant is currently attending or that s/he attended within four months of the application; a written statement from the applicant's parent, guardian, or adult child that the applicant resides at the same address as the parent, guardian, or adult child, along with a copy of a document permitted under this rule that evidences the Montana residence address of the parent, guardian or adult child; the original copy of a rental agreement or rent payment receipt signed by the landlord or rental agent that includes the applicant's name and residence address; home mortgage or equity loan papers showing the applicant's name and residence address; any of the following, dated not more than four months prior to application: a payroll check or check stub, a bank statement, a utility bill or utility hook-up order, cancelled mail addressed to the applicant; if the applicant is homeless, a descriptive address of where the applicant actually resides, e.g. "under the west end of the East Street Bridge" (such an applicant must also provide a separate mailing address, as well as a written statement from a social service agency verifying that s/he is homeless).</p>	➤ If ineligible for an SSN, the applicant must submit a letter from the SSA to that effect.

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STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
NE	Yes (w/exception)	Yes (see comments)	<p>Applicants must present proof of identity. One document from the "primary documents" list is required.</p> <p><b>Primary documents.</b> Valid Nebraska digital image photo retained in the DMV computer system; certified birth certificate (hospital-issued birth certificates are <i>not</i> accepted); certified birth registration; certified birth certificate of applicant's child; certified birth registration of applicant's child; a valid or expired DL (issued by Nebraska, a U.S. state, or a U.S. territory) or temporary DL containing name and DOB (valid in one state only licenses will not be accepted); a valid or expired commercial DL; a valid Nebraska reinstatement letter; a valid or expired Nebraska employment drive permit; a valid or expired learner's permit, school permit, or provisional operator's permit; a valid or expired Nebraska farm husbandry permit or snowmobile permit; a valid or expired Nebraska state ID card issued after Jan. 1, 1990; valid or expired US passport; valid U.S. military ID card, U.S. military discharge papers or Veterans Universal Access ID card; a draft card issued prior to 1973; certified marriage license; certified divorce decree; certified school records from a grade school or high school; valid resident alien card (I-551); valid I-688 temporary resident card; valid I-94 (Arrival/Departure Record) in a valid foreign passport (an I-94 stamped "refugee" need not be accompanied by a passport; however, visas, or Form I-151, I-94W, or I-94 border-crosser card will <i>not</i> be accepted); valid ADIT stamp reading "processed for I-551, temporary evidence of lawful admission for permanent residence until [DATE]" in a valid foreign passport; valid I-688A employment authorization card (must be accompanied by passport); valid I-688B employment authorization card; valid I-766 employment authorization document; letter from Nebraska Dept. of Health and Human Services (DHHS) showing refugee's name and DOB; a letter from Nebraska DHHS showing a ward of the state's name and DOB; naturalization papers containing name and DOB; certificate of U.S. citizenship containing name and DOB; tribal card; valid Merchant Mariner card; valid Job Corps card, U.S. Consular Report of Birth Abroad (FS240).</p> <p><b>Secondary documents</b> (can be used with primary documents for ID cards). Original Social Security card; Medicare card that contains SSN followed by letter "A"; certified marriage license containing name; certified divorce decree containing name; valid Mexican consular ID card; valid Nebraska Dept. of Correctional Service released inmate ID card; foreign certified birth certificate; foreign certified birth registration; foreign passport and foreign DL.</p>	<ul style="list-style-type: none"> <li>➤ Lawful presence requirement is not in the statute, but lawful presence is required by the DMV if the applicant does not have an SSN. Applicants without an SSN must provide a "valid INS I-94 document."</li> </ul>
NV	Yes (w/exception)	Yes (see comments)	<p>Applicants must present proof of identity and SSN (if s/he has been issued one).</p> <p><b>Proof of identity.</b> U.S. state DL, instruction permit or ID card from accepted states; certified U.S.-issued birth certificate; U.S. passport; U.S. military ID or military Report of Separation (Form DD-214); Certificate of U.S. Citizenship or Naturalization; Certificate of Degree of Indian Blood; Consular Report of Birth Abroad of a U.S. Citizen; permanent or temporary resident card; resident alien card or I-551 receipt; valid foreign passport stamped "Processed for I-551"; Arrival-Departure Record (Form I-94) with visa or passport; Permit to Reenter the U.S.; Refugee Travel Document.</p> <p><b>Proof of SSN.</b> State license or ID with number listed; Social Security card; U.S. military ID; original military Report of Separation (DD-214); and Social Security benefits documentation.</p>	<ul style="list-style-type: none"> <li>➤ Applicants who have an SSN must present it.</li> <li>➤ DL expires when immigration document expires.</li> <li>➤ While the statute does not require lawful presence, documentation requirements create an ad hoc lawful presence requirement.</li> <li>➤ ID cards issued as proof of identity by the following states are not accepted: AZ, AK, CA, DC, GA, KS, MA, MT, NE, NM, NC, OK, OR, RI, SC, SD, TX, UT, VT, WA, WV, and WI.</li> </ul>
NH	Yes (w/exception)	Yes	<p><b>Non-U.S. citizens temporarily residing in NH for the purpose of employment or attending a learning institution must provide ONE</b> of the following: visa for attending a learning institution, visa for employment, or visa including spouse or dependent(s) of the above; <b>ONE</b> of the following: valid I-20 form or valid optical practical training card; and <b>ONE</b> of the following: letter from applicant's employer stating the applicant's term of employment, or letter from the learning institution or employer stating that the applicant is the spouse of a visa-holding student or employee.</p> <p><b>Noncitizens permanently residing in New Hampshire must provide</b> an SSN card and one of the following: valid permanent resident card; valid I-94 card issued by the CIS indicating refugee status and date of entry into the U.S.; or valid</p>	<ul style="list-style-type: none"> <li>➤ Non-U.S. citizens permanently residing in NH without an SSN may submit a letter from the SSA verifying that they have not been issued an SSN. Nonresidents living in New Hampshire on a temporary basis to go to school or to work lawfully, or who are relatives of a lawfully present person, may be licensed. Term of license cannot exceed 5 years, and director may require a lesser</li> </ul>

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STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p>employment authorization card indicating authorization to reside in the U.S. pending permanent resident status; and proof of residency.</p> <p><b>Proof of residency.</b> Valid vehicle registration; current gas bill in the applicant's name; current electric bill in the applicant's name; current water and sewer bill in the applicant's name; New Hampshire resident hunting and/or fishing license in the applicant's name; or marriage certificate and one of the above residency-proving documents in the name of the spouse who is listed on the marriage certificate.</p>	<p>term, as well as a certified driving record from foreign country.</p> <ul style="list-style-type: none"> <li>➤ Administrative rule requires that all non-U.S. citizens go to Concord DMV office to have documentation reviewed.</li> </ul>
<p> NJ</p>	<p>Yes (w/exception)</p>	<p>Yes</p>	<p>Applicants must present proof of identity, age, residency, and lawful presence.</p> <p><b>ID verification.</b> Applicants will be required to prove their identity through a prescribed combination of documents. Each type is assigned a point value, and the total value of all documents presented must be at least six points.</p> <p><b>Primary documents. Non-U.S. citizens must submit at least one of the following primary documents:</b></p> <ul style="list-style-type: none"> <li>• <i>Primary documents worth 4 points each</i> – Current alien registration card (new Form I-551) with expiration date, including verification from INS or CIS; foreign passport with INS or CIS verification and with valid Form I-94 (Arrival/Departure Record) or valid I-551 stamp in passport; Refugee Travel Document (Form I-571); U.S. Reentry Permit (Form I-327); valid I-94 stamped "Refugee," "Parolee," "Asylee," or "Notice of Action" (Form I-797 approved petition) by INS or CIS; valid I-94 with attached photo, stamped "Processed for I-551..." by INS or CIS.</li> <li>• <i>Primary documents worth 3 points each</i> – Recent photo employment authorization card (Form I-688B or I-766) (must be presented with a valid Social Security card).</li> <li>• <i>Primary document worth 2 points</i> – Photo temporary resident card (Form I-688) with expiration date, including verification from INS or CIS.</li> </ul> <p><b>Secondary documents. Non-U.S. citizens must submit at least one of the following secondary documents:</b></p> <ul style="list-style-type: none"> <li>• <i>Secondary documents worth 3 points each</i> – Legal name change court order signed by a judge or court clerk; civil marriage certificate or divorce decree; current U.S. military dependent card; U.S. military photo retiree card; New Jersey firearm purchaser card.</li> <li>• <i>Secondary documents worth 2 points each</i> – Valid U.S. government employee DL; valid U.S. government employee photo ID card; U.S. military discharge papers (DD-214); Federal Aviation Administration-issued pilot's license; U.S. school photo ID card with transcript or school records; U.S. college photo ID card with transcript.</li> <li>• <i>Secondary documents worth 1 point each</i> – State professional license; New Jersey public assistance card with photo; Social Security card; high school diploma or general equivalency diploma; bank statement/record (cannot be submitted in conjunction with an ATM card); ATM card with preprinted name and applicant's signature (cannot be submitted in conjunction with a bank statement); current health insurance card, or current prescription card, or current employee ID card with printed pay stub; property tax statement, bill or receipt issued by a New Jersey municipality; high school certificate (written test waiver); Veterans Universal Access photo ID card; current New Jersey nondigital photo DL; current photo DL from any other state of the U.S., including the District of Columbia.</li> </ul> <p><b>Note:</b> The following people with temporary visa status may apply for a New Jersey DL: Treaty traders; students and their families; temporary workers, accompanying spouses and minor children; foreign information representatives and their families; exchange visitors and their families; fiancés of U.S. citizens, and their children; intra-company transfers, accompanying spouses and minor children; students in nonacademic and vocational schools and their family members; persons with temporary protection from deportation; Canadians who are temporarily U.S. residents; religious ministers and spouses; parents of U.S. citizens; international athletes or members of entertainment groups; and persons in a reciprocal exchange program. Students and their families on an F visa</p>	<ul style="list-style-type: none"> <li>➤ Individuals who are not entitled by law to have an SSN must submit an ineligibility letter issued by the SSA and the Social Security Exemption Certificate Form (BA-4) available at any Motor Vehicle Commission office or Regional Service Center Driver Conference Area.</li> <li>➤ DL expires when visa expires.</li> <li>➤ U.S. citizens, green card-holders, or those with a passport bearing an I-551 stamp may go to a Motor Vehicle Commission office to obtain an examination permit. Customers presenting any other foreign or INS/CIS ID document must go to the Regional Service Center.</li> <li>➤ DLs issued to noncitizens (excluding LPRs) have "temporary visitor status" printed on the DL document.</li> </ul>

ABBREVIATIONS: CIS U.S. Citizenship and Immigration Services • DL driver's license • DMV Dept. of Motor Vehicles • DOB date of birth • ID identification • IJ immigration judge • INS Immigration and Naturalization Service • IRS U.S. Internal Revenue Service • ITIN Individual Tax Identification Number • LPR lawful permanent resident • SAVE Systematic Alien Verification for Entitlements • SSA Social Security Administration • SSN Social Security number

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p>must show Form I-20 (Certificate of Eligibility for Exchange Visitor Status), a student ID card, or certification on school letterhead indicating their status, as well as their passport with an I-94 (Arrival/Departure Record).</p> <p><b>Note:</b> Foreign drivers may use their native country driver's license as proof of driving experience if their country is a member of the United Nations Convention on Road Traffic and if the applicant either has his/her license translated into English by a consulate or a Motor Vehicle Commission-approved translator, or possesses an International Driver License issued by his/her country of origin.</p>	
NM	Yes (w/exception)	No	<p>Applicants must present proof of their "identification number" (SSN or ITIN), identity, and state residency.</p> <p><b>Proof of identity.</b> Original birth certificate (with notarized English translation); certified copy of birth certificate; original or certified copy of church record; valid passport issued by country of citizenship; Indian census card; <i>matricula consular</i> issued by the Mexican Consulate in Albuquerque; or current DL from another state or country.</p> <p><b>Proof of residency.</b> Rental agreement or purchase agreement; any original government-issued document; utility bill (PNM, waste, water, etc.); insurance bill (automobile or home); bank statement; check book; employment pay stub; local property tax statement; proof of a minor child enrolled in a public/private school; voter registration card; proof that the person has remained in New Mexico for seven consecutive months; original documentation from a New Mexico community service organization; original documentation from a New Mexico city, county, state or a federal government service organization attesting to the fact that the person is a New Mexico resident; or <i>matricula consular</i> issued by the Mexican Consulate in Albuquerque.</p> <p><b>Proof of SSN.</b> Social Security card; state DL with SSN printed on the license; government-issued photo ID with SSN; military-issued ID card with SSN; original employment payroll receipt with SSN; tax forms with SSN, including W-2, W-4, W-8, W-9, or IRS official document; voter registration card, medical card, or financial institution statement with SSN; educational institution ID card with SSN.</p>	<p>➤ Applicants may present an ITIN or an acceptable substitute for an SSN or ITIN, regardless of their immigration status. Applicants who do not have an SSN or ITIN may present a valid passport issued by their country of citizenship, a <i>matricula consular</i> issued by the Mexican Consulate in Albuquerque, or valid documentation issued by the INS or CIS.</p>
NY	Yes (w/exception)	Yes (see comments)	<p>Applicants must present proof of identity and DOB.</p> <p><b>Identity verification.</b> Applicants will be required to prove their identity through a prescribed combination of documents. Each document category is assigned a point value, and the total value of all documents presented must be at least six points.</p> <p><b>Six points.</b> A driver's license, a learner's permit, or a nondriver photo ID card issued by the state of New York. The photo document must either be valid or have been expired for less than two years.</p> <p><b>Four points.</b> DMV Form MV-45 (Statement of Identity), if the applicant is under 21 years of age (the form must be signed by a parent or legal guardian, in front of a DMV representative; Proof of applicant's DOB and either his/her Social Security card or a U.S. passport that is current or has been expired less than two years are also required); US passport that is current or expired less than two years.</p> <p><b>Three points.</b> A Certificate of Citizenship (N-560, N-561, or N-645); a Certificate of Naturalization (N-550, N-570 or N-578); {(a foreign passport with a valid I-551 stamp, except if it bears the status code "CR" (the passport must be in English or translated by an embassy); a foreign passport with a valid I-551 stamp with status code "CR" (the passport must be in English or translated by an embassy); a permanent resident card (Form I-551), except if it bears the status code "CR"; a permanent resident card (Form I-551) with status code "CR");}; a foreign passport with a visa and Form I-94 (Arrival/Departure Record) (the passport must be in English or translated by an embassy); a foreign passport with a visa and Form I-94 with status code "J1" or "J2," and with Form IAP-66 (Certificate of Eligibility for Exchange Visitor Status; with IAP-6, applicant must show his/her original entry document and any extension document stamped by INS or CIS); a foreign passport with a visa and Form I-94 with status code "F1" or "F2" and Form I-20 (Certificate of Eligibility for Nonimmigrant Student Status; with I-20, applicant must show his/her original entry document and</p>	<p>➤ Applicants who are not eligible for an SSN must provide a letter or form SSA-L676 from the SSA stating that the applicant is not eligible. The SSA letter or form must have been issued no more than 30 days before the date of application for the DL. The applicant also must present the immigration status-related documents that the SSA used to determine that the applicant is not eligible for a Social Security card.</p> <p>➤ The lawful presence policy is not in the statute or regulations, but documentation that is required to prove identity creates an ad hoc lawful presence requirement.</p> <p>➤ DMV is placing the words "temporary visitor" on DLs issued to some non-U.S. citizens. Advocates have filed a Freedom of Information Act request to obtain information about this policy, as there are no public documents that describe its implementation.</p> <p>➤ Class action lawsuit filed challenging the DMV's authority to require an SSN and proof of lawful presence: <i>Cubos</i></p>

ABBREVIATIONS: CIS, U.S. Citizenship and Immigration Services • DL, driver's license • DMV, Dept. of Motor Vehicles • DOB, date of birth • ID, identification • IJ, immigration judge • INS, Immigration and Naturalization Service • IRS, U.S. Internal Revenue Service • ITIN, Individual Tax Identification Number • LPR, lawful permanent resident • SAVE, Systematic Alien Verification for Entitlements • SSA, Social Security Administration • SSN, Social Security number

STATE DRIVER'S LICENSE REQUIREMENTS • NILC • DECEMBER 2004 • PAGE 19 OF 31

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p>any extension document stamped by INS or CIS); an unexpired U.S. Re-entry Permit (I-327); an unexpired U.S. Refugee Travel Document (I-571); an employment authorization card (I-688B or I-766) with a photo; a U.S. military photo ID card (issued to military personnel only); a welfare card, a Medicaid card, or a New York State food stamp card with photo.</p> <p><i>*(NILC staff is seeking clarification from the New York DMV concerning the items listed between the sets of double brackets ({} ) under "Three points," above. The requirement that the status code "CR" (for "conditional resident") both must appear and must not appear on the passport or permanent resident card presented is contradictory.)</i></p> <p><b>Two points.</b> A pistol permit issued by New York State or New York City; a professional license issued by New York State; a photo driver's license issued by another state, jurisdiction or possession of the U.S., or issued by a province or territory of Canada (must be valid or expired less than one year); a U.S. Social Security card bearing applicant's signature; a New York State vehicle or boat registration document; a New York State title certificate; a welfare card, a Medicaid card, or a New York State food stamp card without a photo; a U.S. marriage document, a U.S. divorce document, or a court-issued name-change document; a U.S. college photo ID card and an academic transcript; a U.S. high school ID card and a report card; a New York State interim driver's license or a computer-generated learner's permit, without a photo; a valid Saint Regis Mohawk Tribe ID card; a valid Saint Regis Mohawk Tribe ID card and a Canadian birth certificate.</p> <p><b>One point.</b> A computer-printed pay stub or employee ID card that shows applicant's name; a high school diploma or GED (General Education Diploma); a supermarket check-cashing card issued in the U.S.; a union card issued in the U.S.; a health insurance card or a medical prescription card issued in the U.S.; a life insurance policy issued in the U.S. and in effect for at least two years; a utility bill issued in the U.S.; a Veterans Universal Access photo ID card; a W-2 form bearing the applicant's Social Security number; only one of the following items issued by a financial institution: a bank statement, a cancelled check (displaying applicant's pre-printed name), an ATM or a debit card (bearing applicant's signature and pre-printed name), or a valid major U.S. credit card.</p> <p><b>Proof of DOB.</b> U.S. passport that is current or expired less than two years; Certificate of Citizenship (N-560, N-561, or N-645); Certificate of Naturalization (N-550, N-570 or N-578); foreign passport with a valid I-551 stamp except with status code "CR" (the passport must be in English or translated by an embassy); a foreign passport with a valid I-551 stamp with status code "CR" (the passport must be in English or translated by an embassy); permanent resident card (Form I-551) except with status code "CR"; a permanent resident card (Form I-551) with status code "CR"; a foreign passport with applicant's visa and Form I-94 (the passport must be in English or translated by an embassy); foreign passport with applicant's visa and form I-94 with status code "J1" or "J2" and with Form IAP-66 (applicant must show his/her original entry document and any extension document stamped by INS or CIS with Form IAP-66); foreign passport with applicant's visa and Form I-94 with status code "F1" or "F2" and Form I-20 (applicant must show original entry document and any extension document stamped by INS with Form I-20); unexpired U.S. Re-entry Permit (I-327); unexpired U.S. Refugee Travel Document (I-571); U.S. employment authorization card (I-688B or I-766) with a photo; U.S. military photo ID card; valid Saint Regis Mohawk Tribe ID card and a Canadian birth certificate; birth certificate issued by the U.S. State Dept. or by a board of health or a bureau of vital statistics in the U.S. or a U.S. territory; a certificate of birth registration issued by the Dept. of Health of NYS or NYC (must be original and have the stamp or the embossed seal of the agency that issued it).</p>	<p><i>et al. v. Pataki et al., Supreme Court of the State of New York, County of New York, Civil Action Index No. 0411237.</i></p>
NC	Yes (w/exception)	No	<p>Applicant must present proof of age, identity, residency, and SSN (if s/he has been issued one).</p> <p><b>Proof of identity and DOB.</b> If the applicant has a valid, unexpired driver's license or photo ID issued by a DMV in another state, the District of Columbia, Puerto Rico or a U.S. territory, or by a Canadian province, such document is sufficient as proof of identity and DOB, as long as it shows his or her full name. If the applicant does not have one of those documents, s/he must provide two forms of ID from the list of acceptable documents. One document must bear his or her DOB. The name must be the same on both documents. The documents may not come from the same category (e.g., they may not both be school documents).</p> <p><i>Acceptable documents include:</i> Driver's license or state-issued ID card from another state, Puerto Rico, a U.S. territory, or a</p>	<p>➤ Applicant may provide ITIN if s/he is not eligible for an SSN; must also complete a sworn affidavit that s/he is not eligible for an SSN.</p>


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STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p>Canadian province (a valid, unexpired DL/ID or learner's permit with a photo meets the requirements for two forms of ID; a DL/ID or learner's permit that has been expired less than one year may be used as one form of ID; a valid DL/ID or learner's permit without a photo can be used as one form of ID); certified or original birth certificate; original Social Security card; official North Carolina school registration records signed by a school official and diplomas issued by North Carolina schools, including secondary schools, community colleges, colleges and universities (driver education certificates, driving eligibility certificates and report cards are not accepted as proof of identification); unexpired U.S. military ID, including DD-2, DD-214, Common Access Card, and U.S. Military Dependents Card); valid, unexpired passport from any nation (if foreign passport, must include an unexpired stamp by U.S. immigration authority); certified marriage certificate from a register of deeds or appropriate government agency in the U.S., Puerto Rico, U.S. territories, or Canada; "limited driving privilege" issued by North Carolina; valid, unexpired documents issued by CIS, formerly known as the INS (An expired immigration document may be valid if accompanied by a letter from CIS or INS extending the expiration date. Primary CIS document must have applicant's photo.); court documents from U.S. jurisdiction, Puerto Rico, U.S. territories or Canada, including divorce decree, court order for name change or gender change, adoption papers, and certified court order for child support; U.S. Veterans Universal Access Card.</p> <p><b>Proof of residency.</b> Any document issued by North Carolina or any of its political subdivisions (county, city, tax district, etc.) or by the federal government; NC voter registration card; preprinted bank or other corporate statement; correspondence on preprinted business letterhead; apartment lease, housing contract, mortgage statement, etc.; utility bill (power bill, cable bill, water bill, etc.) or contract for utility service; school records; <i>maticula consular</i> issued by the Mexican consulate; letter from homeless shelter. A sworn affidavit may be executed <i>only</i> if the above documents are not available.</p> <p><b>Proof of SSN.</b> Social Security card (but not the metal or plastic card or other reproductions); computer-generated W-2 tax form or other computer-generated document from the IRS or a state or county revenue department; payroll stub; financial statement (bank statement, insurance company statement, brokerage firm statement, etc.) containing the SSN; government-issued documents such as U.S. military ID, which shows the SSN; letter from the SSA or computer printout from the SSA.</p>	
ND	Yes (w/exception)	Yes (see comments)	<p>Applicants must present proof of DOB and identity.</p> <p><b>Acceptable documents.</b> U.S. or Canadian birth certificate (state-certified, government-issued; certificate issued by a U.S. or Canadian territory is acceptable); valid U.S. or Canadian passport; U.S. government-issued consular report of birth abroad; valid non-U.S. passport accompanied by an I-94 (Arrival/Departure Record) card or an I-551 stamp (if applicant's status is F-1 or F-2, s/he must also present Form I-20, Certificate of Eligibility for Nonimmigrant Student Status); U.S. active duty/retiree/reservist military ID card (DOD ID DD-2); U.S. or Canadian court order containing applicant's legal name and DOB (court seal required); North Dakota-issued permit, license, or ID card; the following INS or CIS documents (unexpired): I-551 resident alien card, I-688 temporary resident card, I-688B or I-766 employment authorization card, N-560 (Certificate of Citizenship), N-550 (Certificate of Naturalization), I-94 (Arrival/Departure Record) stamped "Refugee" or "Asylee."</p> <p><b>Note:</b> Out-of-state permits, licenses, and ID cards are not acceptable as proof of name and DOB.</p>	<ul style="list-style-type: none"> <li>➤ While the statute does not require lawful presence, documentation requirements create an ad hoc lawful presence requirement.</li> <li>➤ Applicants ineligible for an SSN may present a letter from the SSA stating that they are ineligible.</li> </ul>
OH	Yes (w/exception)	Yes	<p>Applicants must present proof of identity, DOB and SSN (must appear on either the primary or secondary document). Two documents are required.</p> <p><b>Primary documents.</b> DL from any state, with photo, current or expired not more than 6 months; birth certificate, either original or certified copy, with seal and issued by government agency; appropriate state-issued ID card from any U.S. state, with photo, current or expired not more than 6 months; unexpired, original INS or CIS documents; certified copy of court order containing full name and DOB; original birth registration card, must contain the official seal of the issuing county health department and display the registration or file number; include name, date of birth, gender, and name of parent(s) and be signed by the City</p>	<ul style="list-style-type: none"> <li>➤ Applicants who have an SSN must present it.</li> <li>➤ DLs issued to non-U.S. citizens are identified as "nonrenewable/nontransferable" and may be renewed only with proof of lawful presence. Such a DL expires when the bearer's visa expires or at the end of four years, whichever is sooner.</li> </ul>

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STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p>Registrar of Vital Statistics; military ID with photo; valid passport, either U.S. or Canadian, with photo, or if passport from another country, accompanied by appropriate INS or CIS documents; and state-issued learner's permit from any U.S. state, with photo, current or expired not more than 6 months.</p> <p><b>Secondary documents.</b> Official Social Security card (but metal card not accepted) or official printout from the SSA; Bureau of Indian Affairs card or Indian treaty card (but tribe-issued ID card not accepted); certified copy of court order with or without DOB; credit card (only if SSN appears on primary document); employment ID card with photo; non-U.S. birth certificate accompanied by translation by approved translator if birth certificate not in English; health insurance card; Internal Revenue Service or state tax form issued by appropriate governmental agency (but W-2 form not accepted); marriage certificate or license; medical treatment records from doctor or hospital; military dependent ID with photo; military discharge separation papers; gun permit with photo; pilot's license; certified copy of school record or transcript; student ID card, with photo, issued by school or university; vehicle title (but no vehicle registrations); voter registration card (such cards are not issued in OH); Human Services card.</p> <p><b>Note:</b> Additional documentation may be required if any document provided (from the above lists) is questionable.</p>	<ul style="list-style-type: none"> <li>➤ A nonrenewable/nontransferable DL may be replaced 90 days prior to expiration.</li> <li>➤ A nonrenewable DL may not be used to obtain a DL in another state.</li> <li>➤ The words "nonrenewable and nontransferable" appear on the DL or ID card above the bearer's signature.</li> </ul>
★ OK	Yes (w/exception)	Yes	<p>Applicants must present proof of identity and lawful presence. Applicants must submit one primary document and one secondary document.</p> <p><b>Primary documents.</b> Oklahoma DL; Oklahoma ID card; state-issued birth certificate; county-issued birth certificate; sealed hospital birth certificate; passport (however, passports not accepted from non-U.S. citizens in the following statuses: B-1, B-2, WB business person with no visa, tourist with no visa, C-1 alien in transit, C-2 alien in transit to the United Nations, C-3 foreign official, D-1 and D-2 crew members in the U.S. for maximum of 29 days); court order showing full name and DOB; Bureau of Indian Affairs ID card; alien registration card; I-94 (Arrival/Departure Record) card with passport; tribal ID card; out-of-state DL; valid military ID card; valid military dependent ID card; naturalization documents issued by INS or CIS; Military discharge (DD-214), unless specified not to be used for identification.</p> <p><b>Secondary documents.</b> Any primary document; Oklahoma student ID with photo; Oklahoma employer ID card; health insurance card; military discharge DD-214, except if it bears the notation, "Not to be used for ID"; original or certified copy of separation or divorce judgment; Oklahoma voter registration card; insurance policy (health, life, home, auto); original or certified copy of professional degree, certificate, or license; Oklahoma motor vehicle registration or title; Social Security card; medical eligibility card; original high school, college, or university diploma; for minors (under 18), parent or guardian may appear in person, show proof of identity and sign affidavit; official certified deeds of property in Oklahoma; gun permit; pilot's license; valid U.S. Department of Transportation health card; and Oklahoma lifetime hunting or fishing license.</p>	<ul style="list-style-type: none"> <li>➤ SSN required if applicant is eligible for one.</li> <li>➤ DL expires when immigration document expires.</li> </ul>
OR	Yes (w/exception)	No	<p>Applicants must present 2 primary documents, or 1 primary document that includes name and DOB and 2 secondary documents.</p> <p><b>Note:</b> Foreign documents will not be accepted as primary proof of age and identity unless they are either in English or contain an English translation within the same document and meet all other criteria listed for the type of document.</p> <p><b>Primary Documents.</b> U.S., Canadian or U.S. territorial government-issued birth certificate; U.S. Consular Report of Birth Abroad of a Citizen of the U.S.A. (FS-240); Certification of Report of Birth (DS-1350 or FS-545); U.S. military documents, including: military or armed forces ID card, Common Access Card, U.S. Uniform Services ID and Privileges Card (DD-1173 and DD-1173-1), and Request for Verification of Birth (DD-372); passport; U.S. immigration documents, including: U.S. citizen ID card (I-179 and I-197); temporary resident ID card (I-688); employment authorization document (I-688A, I-688B, and I-766); Certificate of Citizenship (N-560 and N-561); resident alien card or permanent resident card (I-551); or Certificate of Naturalization (N-550, N-570, and N-578); valid Oregon, out-of-state, U.S. territorial government or Canadian driver's license, instruction permit or ID card; digital photograph on file with Oregon DMV; nonimmigrant visa issued by the U.S. Dept. of State; U.S. Dept. of State driver</p>	<ul style="list-style-type: none"> <li>➤ Applicants who have not been issued an SSN may sign a "Statement of No Social Security Number" form.</li> <li>➤ Documents must be of different types, and the DMV will not accept two documents issued by the same government agency, department, or consulate (e.g., it will not accept two immigration and naturalization documents, or a passport and ID card issued by the same consulate). However, Oregon DMV documents are exempted from this restriction: The Oregon digital photo on file at DMV and the Oregon DL, driver's instruction permit, or ID card serve as two separate</li> </ul>

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STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p>license or nondriver ID card; consulate ID card approved by DMV; Oregon concealed weapons permit/concealed handgun license; U.S. Social Security card (not metal or laminated); or Confederated Tribes of Oregon tribal ID card approved by DMV; letter verifying identity provided by an Oregon Corrections agency approved by DMV.</p> <p><b>Secondary Documents.</b> Oregon student body ID card, issued for the current school year or not more than one year old; U.S. military discharge papers (DD-214); Permit to Reenter the U.S. (I-327); border crossing cards (DSP-150, I-185, I-186, and I-586); Refugee Travel Document (I-571); W-2 tax forms for the current tax year (e.g., a 2003 W-2 is acceptable through February 2005); court documents issued by a court in the U.S. that show the applicant is a party to the judicial proceeding and that contain court signatures and seals (acceptable documents are: gender and/or name-change; adoption, guardianship, custody or child support; marriage license/certificate; divorce decree/dissolution of marriage); or birth certificate, DL, military ID card, passport or voter card issued by a foreign government. <b>Note:</b> A DMV employee may accept as a secondary document a foreign document that is not written in English. The employee must be able to understand the information in the document that relates to the person's identity and be satisfied the document was validly issued.</p> <p><b>Proof of Residency.</b> (One document must be provided if the applicant does not have an Oregon DL, permit or ID card, or if the applicant has changed address and his/her current address is not shown on any of the documents presented as proof of identity). Proofs of residency include: Mortgage documents issued within the current or immediately preceding year; statement from a parent, step-parent or guardian of an applicant under 18 years of age (the parent or guardian must reside at the same address as the applicant, accompany him/her, and present ID); statement from the applicant's spouse (the spouse must reside at applicant's address, accompany the applicant and present ID); a rental or lease agreement on an official preprinted application form dated within one year of the application which contains (1) tenant's name, (2) rental unit's address, and (3) rental owner's or manager's name, signature and telephone number; utility hookup order dated within 60 days of the DL application; payment booklet; cancelled mail dated within 60 days of the DL application (applicant must present the envelope and the envelope's matching contents; DMV will accept canceled mail from the following sources: credit card companies; U.S. Treasury; SSA; Oregon state government agencies, including city and county agencies; utility companies; financial institutions; insurance companies; state and federal revenue departments; and originators of out-of-state clearance letters); Oregon vehicle title or registration documents; Oregon voter registration card; Selective Service Card; medical or health card; educational institution transcript forms for the current school year; unexpired professional license issued by an agency in the U.S. <b>Note:</b> An applicant who is homeless may use a descriptive address of the location where s/he actually resides, e.g., "under the west end of the Burnside Bridge." The applicant must also provide a mailing address. A homeless applicant may give his/her descriptive and mailing address verbally without showing physical proof of the descriptive address. Even though the homeless applicant is not required to show proof of residence address, s/he must prove that s/he is a resident of or is domiciled in Oregon. An applicant who travels continuously may use a descriptive address of "continuous traveler" if the applicant is an Oregon resident but has no physical home in Oregon. For instance, an applicant who has just retired from an Oregon employer may present papers indicating s/he sold a home in Oregon and purchased a motor home. The applicant must also provide a mailing address. A continuous traveler may give his/her descriptive and mailing address verbally without showing physical proof of the descriptive address. Even though the continuous traveler is not required to show proof of residence address, the applicant must prove s/he is a resident of or is domiciled in Oregon.</p>	<p>primary documents. For example, a person who has a valid photo Oregon instruction permit and applies for an Oregon driver's license can use the photo on file with Oregon DMV and the photo instruction permit to meet the proof of age and identity requirements.</p>
 <p>PA</p>	<p>Yes (w/exception)</p>	<p>Yes</p>	<p>Applicants must present proof of identity, residency, and lawful presence. Non-U.S. citizens must submit two proofs of residency (List B) and a varied list of documents, depending on their status.</p> <p><b>Documents required of non-U.S. citizens.</b> Examples include non-U.S. passport, I-94 and visa; Social Security card or letter from the SSA stating that the agency has yet to make a decision on the individual's application for an SSN; I-551 card ("green card"); employment authorization document (I-688B or I-766); Refugee Travel Document (I-157); Reception and Placement Assurance Form.</p>	<ul style="list-style-type: none"> <li>➤ Applicants who are ineligible for an SSN may present a letter from the SSA stating that they are ineligible.</li> <li>➤ Nonimmigrants granted entry for 1 year or less (or whose entry documents show that their permission to remain in the U.S. expires in less than 1 year) are not</li> </ul>

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			<p>For a list of requirements for various categories of immigrants, see <a href="http://www.doc3.state.pa.us/pdot/forms/fact_sheets/pub195nc.pdf">www.doc3.state.pa.us/pdot/forms/fact_sheets/pub195nc.pdf</a>.</p> <p><b>Proof of residency (List B).</b> Current utility bills; tax records; lease agreements; mortgage documents; W-2 forms; current weapons permit.</p>	<p>eligible for a DL</p> <ul style="list-style-type: none"> <li>➤ Applicants presenting letters from the SSA in place of a Social Security card will receive a license that expires a year from the date of issue; otherwise the DL expires when the visa expires.</li> </ul>
RI	Yes (w/exception)	Yes (see comments)	<p>Applicants must present an identity document, a document bearing the applicant's signature, and proof of Rhode Island residency.</p> <p><b>Identity documents.</b> Valid U.S./U.S. territory or Canadian DL with photo, signature, and DOB (may not have been expired for more than one year); original or certified copy of a birth baptismal certificate (baptismal certificates must be issued by a church in the U.S., and have an issue date of within one year of applicant's birth, and contain the date of birth); U.S. or foreign passport (expired passports and those indicating that the bearer has B-1 or B-2 status are not accepted); U.S. naturalization certificate; Form I-94 (Arrival/Departure Record); Form I-688 (temporary resident ID card); Form I-688B or Form I-766 (employment authorization card); U.S. active service, retiree, or reservist military ID card.</p> <p><b>Document with signature.</b> Valid U.S./U.S. territory or Canadian DL with photograph, signature, and DOB (may not have been expired for more than one year); U.S. or foreign passport (expired passports and those indicating that the bearer has B-1 or B-2 status are not accepted); Social Security card; employment or school ID; U.S. active service, retiree, or reservist military ID card.</p> <p><b>Proof of Rhode Island residency.</b> Valid voter registration card; utility bill (gas, electric, telephone, cable, oil) in applicant's name or in the name of an immediate family member with the same last name; personal check or bank statement with applicant's name and address (P.O. box address not acceptable); valid original lease agreement with applicant's name and address (landlord's name, address, and phone number also must be provided); payroll check with applicant's name and address; welfare check stub or food stamp card with applicant's name and address; insurance policy for applicant's home/apartment with applicant's name and address; property tax bill for applicant's residence; if applicant is a minor, school records and parent's DL/ID bearing same address as applicant is acceptable.</p>	<ul style="list-style-type: none"> <li>➤ Applicants without an SSN must present a "foreign passport and appropriate visa or documentation to demonstrate the ineligibility for an SSN."</li> <li>➤ The lawful presence policy is not in the statute or regulations, but applicants without an SSN must present immigration documents. However, applicants who obtained a DL under the old policy, which allowed those without an SSN to present an affidavit or ITIN, are grandfathered into the system.</li> </ul>
SC	Yes (w/exception)	Yes	<p>Applicants must present proof of lawful presence and residency.</p> <p><b>Non-U.S. citizens must present documents such as the following (these are examples):</b> I-20 (Certificate of Eligibility for Nonimmigrant Student Status) with other documents; written verification of current attendance in school; IAP-66 (Certificate of Eligibility for Exchange Visitor Status) with other documents; written verification of current employment; I-688B (employment authorization document) with passport; I-766 (employment authorization card); I-797 (Notice of Action); Receipt and Placement Program Assurance form; passport showing extension of work visa by CIS; passport showing extension of student visa by CIS; passport stamped "Processed for I-551" or "I-551 approved", passport.</p> <p><b>Lawful permanent residents must present one of the following:</b> Form I-551 (green card) or a valid passport stamped "I-551 Approved" or "Processed for I-551."</p> <p><b>Refugees must present all of the following:</b> I-94 (Arrival/Departure Record) stamped "Refugee"; Reception and Placement Program Assurance form; and written verification of identity and South Carolina residency prepared by employee of sponsoring organization approved by U.S. State Dept. to resettle refugees in South Carolina. Refugees who are not sponsored by an approved organization, as well as <i>asylees</i>, must present an I-94 stamped "Refugee/Asylee" or an employment authorization document (Form I-688B or I-766).</p> <p><b>Proof of residency.</b> Current utility bill (water, gas, etc); current employment records; current school records from a SC school; welfare/social services card; SC Medicare or Medicaid cards; parolee cards or letter from parole officer recent county or state tax</p>	<ul style="list-style-type: none"> <li>➤ Applicant must submit either a Social Security card (laminated card not accepted) or a letter from the SSA indicating that s/he is a non-U.S. citizen not permitted to work in the U.S.</li> <li>➤ DL issued to person who is not a lawful permanent resident expires on later of: (1) expiration date of applicant's authorized period of stay in U.S.; or (2) expiration date of applicant's employment authorization document.</li> <li>➤ Non-U.S. citizens must go to one of 16 designated locations in order to obtain DLs or ID cards.</li> </ul>


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			notice or receipt; lease agreements or mortgage documents; current weapons permit; recent state or federal tax records; current military orders detailing active duty assignment in SC; current letter from Military Base Commander verifying duty station in SC; bank statement showing name of applicant and SC physical address; original social security check, showing name and SC physical address of applicant; insurance documentation; Letter from director of a South Carolina social welfare institution (homeless shelter, battered women's shelter, halfway house, group home, orphanage, etc.) stating applicant is resident of facility, voter registration; or current vehicle insurance card.	
 SD	Yes	Yes	<p>Applicants must present proof of identity and lawful presence. Documents submitted must include either a certified copy of a U.S. birth certificate issued in or by a city, county, or state; a tribal ID card that provides evidence that a certified birth certificate issued by a city, county, or state was used to obtain the tribal ID card and is in a form and has content acceptable to the South Dakota Dept. of Commerce and Regulation; proof that the applicant has naturalized to U.S. citizenship; an immigration record showing that the applicant's presence in the U.S. is authorized; or a valid passport—AND 1 <i>primary</i> or 1 <i>secondary</i> document.</p> <p><b>Primary documents.</b> Photo DL; ID card issued by a U.S. state or Canadian province or territory; U.S. or Canadian certified birth certificate; vital records office—certified court order containing applicant's full name and DOB; military ID (dependent, retiree, reserve or National Guard, or active duty); passport with accompanying visa or I-94 document if required; "Record of No Record" from Dept. of Health Vital Statistics accompanied by secondary document indicating DOB; federal census record; immigration-related documents (Certificate of Naturalization; Certificate of U.S. Citizenship, U.S. citizen ID card, resident alien card; Arrival/Departure Record (I-94) in a valid non-U.S. passport; Arrival/Departure Record (I-94) stamped "Temporary Proof of Lawful Permanent Residence," with attached photo; Arrival/Departure Record (I-94) in Certificate of Identity; employment authorization document; Arrival/Departure Record (I-94) stamped "Refugee," "Parolee," or "Asylee"; or Arrival/Departure Record (I-94) coded "Section 207," "Section 208," "Section 209," "Section 212d(5)," "Section HP," or "Section PIP."</p> <p><b>Secondary documents.</b> All primary documents; Social Security card; Bureau of Indian Affairs card; Indian treaty card; foreign birth certificate; health insurance card; IRS/state tax forms; marriage certificate/license; military discharge/separation papers; city, federal, or state gun permit; pilot's license; school records/transcripts; student ID card; Canadian Social Insurance card; vehicle title/registration; welfare card; prison release document; military dependent and transition ID; valid Mexican Consular ID card.</p>	➤ DL expires when visa expires.
 TN	Yes (w/exception)	Yes	<p>Applicants for a DL must present two documents to prove identity, and two documents to prove residency; and they must present proof of either U.S. citizenship or status as an LPR, refugee, or asylee. Applicants not eligible for a DL because of immigration status restrictions may be eligible for a driving certificate if they can demonstrate proof of identity and state residency.</p> <p><b>Proof of identity.</b> Acceptable proof of name and DOB includes, but is not limited to:</p> <p><b>Primary Documents:</b> U.S. photo DL or photo ID card or license from another country; original, certified birth certificate; valid passport; military ID; Certificate of Naturalization (N-550, N-570, N-578); Certificate of Citizenship (N-560, N-561, N-645); Northern Marianas Card (I-873); American Indian Card (I-872); U.S. citizen ID card (I-179, I-197); temporary resident ID card (I-688); Record of Arrival and Departure (I-94); I-551; U.S. Re-entry Permit (I-327); employment authorization card (I-688A, I-688-B, I-766); Refugee I-94 Record of Arrival and Departure stamped "Refugee," not likely to be in a foreign passport; Refugee Travel Document (I-571); Canadian Immigration Record and visa or Record of Landing (IMM 100); Canadian Dept. of Indian Affairs—issued ID card; marriage certificate; federal census record; applicant's own child's birth certificate; adoptive decree; legal change of name as recorded in a court decree with a judge's original signature and/or official court seal; any confirmation of DOB in court of law as recorded in a court decree with a judge's original signature and/or official court seal.</p> <p><b>Secondary Documents:</b> Computerized check stubs; union membership cards; work IDs; financial institution documents; Social Security documents; health insurance card; IRS/state tax form; and military records.</p>	<ul style="list-style-type: none"> <li>➤ Applicants never issued an SSN must present a sworn statement attesting to that fact.</li> <li>➤ For applicants lawfully in the U.S. on a temporary basis, the driving certificate is valid for the period of authorized stay in the U.S. For all other applicants, the driving certificate is valid for one year.</li> <li>➤ Driving certificates will display the phrase, "For driving purposes only — not valid for identification."</li> <li>➤ Class action lawsuit filed challenging the constitutionality of the driving certificate: <i>League of Latin American Citizens (LULAC) et al. v. Bredesen et al.</i>, No. 3:04-613 (U.S.D.C. Middle Dist. Tenn. 2004).</li> </ul>

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			<p><b>Proof of residency.</b> Applicants must present 2 documents from List A, or 1 from List A and 1 from List B.</p> <p><i>List A:</i> Current utility bill (e.g., telephone, electricity, water, gas, cable, etc.); current bank statement (checks are not acceptable); current rental/mortgage contract or receipt, including deed of sale for property; current employer verification (e.g., paycheck/check stub, employment ID, or badge, etc.); current automobile, life, or health insurance policy (wallet proof-of-insurance cards not acceptable); current DL or ID issued by the state of Tennessee to applicant's parent, legal guardian, or spouse; current Tennessee motor vehicle registration; current Tennessee voter registration; current IRS tax-reporting W-2 form; receipt for personal property or real estate taxes paid within past year; if the applicant is a student enrolled in public or private school in Tennessee, s/he may provide a photo student ID and acceptable documentation that s/he lives on campus.</p> <p><i>List B:</i> ITIN issued by the IRS; Form I-94 (Arrival/Departure Record); employment authorization document issued by the INS or CIS; I-551.</p> <p><b>Proof of U.S. citizenship, or of LPR, refugee or asylee status.</b> Official birth certificate issued by a U.S. state, jurisdiction or territory (Puerto Rico, U.S. Virgin Islands, Northern Mariana Islands, American Samoa, Swain's Island, Guam); U.S. government-issued certified birth certificate; certificate of birth abroad of a U.S. citizen (DS-1350 or FS-545); Report of Birth Abroad of a Citizen of the U.S. (FS-240); valid or expired U.S. passport; Certificate of Citizenship (N-560 or N-561); Certificate of Naturalization (N-550, N-570 or N-578); unexpired U.S. active duty/retiree/reservist military ID card (DD-2); U.S. citizen ID card (I-197, I-179); I-551 permanent resident alien card; foreign passport stamped by the U.S. government indicating that the holder has been "Processed for I-551"; permanent resident Re-entry Permit (I-327); temporary I-551 stamp on Form I-94, Arrival/Departure Record, with photograph of the applicant; "U.S. Department of Receptions and Placement Program Assurance Form (Refugee)" [sic - verbatim from TN Dept. of Safety website: <a href="http://www.state.tn.us/safety/dlpolicy2004.htm">www.state.tn.us/safety/dlpolicy2004.htm</a>]*and I-94 stamped "Refugee"; Form I-94, Record of Arrival and Departure, stamped "Asylee," "Parolee" or "Parole," "Refugee," "Asylum," "HP" (for "humanitarian parolee"), or "PIP" (for "public interest parolee").</p> <p>* There is no U.S. Dept. of Receptions and Placement. However, a U.S. Dept. of State subunit called the Reception and Placement Program (R&amp;P) does complete an "Assurance Form" for each refugee admitted to the U.S. The R&amp;P is part of the Office of Refugee Admissions, which is within the State Dept.'s Bureau of Population, Refugees and Migration.</p>	
TX	Yes (w/exception)	Yes (see comments)	<p>Applicants must present proof of identity. Every applicant must present either 1 form of primary identification, or 1 form of secondary identification plus 2 forms of supporting identification, or 2 forms of secondary identification.</p> <p><b>Primary identification.</b> Texas DL or ID certificate with photo and that has not been expired for more than two years; unexpired U.S. passport; U.S. citizenship or naturalization certificate with identifiable photo; unexpired INS or CIS document with verified date and identifiable photo; unexpired U.S. military ID card for active duty, reserve, or retired personnel with identifiable photo.</p> <p><b>Secondary identification.</b> Original or certified copy of birth certificate issued by a state bureau of vital statistics or equivalent agency; original or certified copy of U.S. Dept. of State Certification of Birth (issued to U.S. citizens born abroad); unexpired photo DL or photo ID issued by another U.S. state, U.S. territory, the District of Columbia, or Canadian province; original or certified copy of court order with applicant's name and DOB; for applicants born before 1961, the following items are acceptable as forms of secondary identification: (1) original or certified copy of Form DD-214; (2) original or certified copy of other state or federal governmental record that bears applicant's name and DOB (e.g., Social Security records).</p> <p><b>Supporting identification.</b> The following list is not all-inclusive. Examining or supervisory personnel may determine that a document not listed here meets the department's requirements. Forms of supporting identification may include: School records;</p>	<ul style="list-style-type: none"> <li>➤ If applicant does not have an SSN, he or she will be required to complete a Social Security Affidavit (DL-13) form.</li> <li>➤ The lawful presence policy is not in the statute or regulations, but proof-of-identity documentation requirements create an ad hoc lawful presence requirement.</li> </ul>

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			<p>insurance policy (at least two years old); vehicle title; military records; unexpired military dependant ID card; original or certified copy of marriage license or divorce decree; voter registration card; Social Security card; pilot's license; license to bear concealed handgun; Texas DL temporary receipt; expired DL or ID certificate issued by another U.S. state or territory, the District of Columbia, or a Canadian province that has not been expired more than two years; a non-U.S. passport (with or without a U.S. visa); a consular document issued by a state or national government.</p> <p><b>Proof of SSN.</b> Acceptable proof of SSN includes: U.S. government-issued Social Security card (metal cards or types sold at flea markets are not acceptable); health card (if member number represents SSN); pilot's license; military ID (active and reserve duty personnel only; not acceptable for dependents); peace officer's license (Texas Commission on Law Enforcement Officer Standard and Education); military discharge papers (DD-214); Medicare/Medicaid cards; certified college/university transcript (containing SSN); Veterans Administration card (with SSN preprinted on card).</p>	
UT	Yes (w/exception)	No	<p>Applicants must present proof of name, and place and date of birth. At least one item presented must be from the "primary forms of identification" list.</p> <p><b>Primary forms of identification.</b> Certificate of Naturalization; Certificate of Citizenship; delayed birth certificate (hospital records/certificates will not be accepted); DL issued in U.S.; foreign birth certificate with notarized translation; non-U.S. passport with visa; I-94 (Arrival/Departure Record) card; Indian blood certificate; <i>matricula consular</i> (issued in UT only); resident alien card; U.S. birth certificate; U.S. Certificate of Birth Abroad (of a U.S. citizen); U.S. passport; U.S. military ID or DD-214.</p> <p><b>Secondary forms of identification.</b> Marriage license/certificate; Bureau of Indian Affairs/tribal treaty/ID card; medical insurance ID card; motor vehicle clearance letter; out-of-country driver's license; employment ID badge (with photo); international driver's license/permit; Veterans Administration card; IRS-generated documents; concealed weapons permit; employment authorization card (with passport); court-of-record documents (i.e., documents related to adoption, bankruptcy decree, divorce, emancipation, name change); bank card; church records; credit card (with photo); school ID (with photo); professional license; voter registration card; Selective Service card; Selective Service registration; Social Security card.</p> <p><b>Proof of SSN.</b> U.S. government-issued Social Security card; SSN-bearing DL or ID card issued by Utah or another U.S. state; or a letter from the SSA verifying applicant's SSN. W-2 or W-4 forms are not acceptable</p>	Applicants who have an ITIN instead of an SSN must present documents from the IRS or SSA, or a letter from the IRS, to verify their ITIN.
 VT	No	Yes (see comments)	<p>Applicants must present proof of identity, and date and place of birth. One primary document and one secondary document is required.</p> <p><b>Primary documents.</b> Photo DL (cannot have been expired more than 1 year); U.S. state/U.S. territory/Canadian province-issued photo ID card (cannot have been expired more than 1 year); certified microfilm/copy of DL or ID card (card cannot have been expired more than 1 year); birth certificate (U.S. or Canadian-issued; must be original or certified copy, have raised seal, and be issued by bureau of vital statistics or state board of health; hospital-issued and baptismal certificates are not acceptable); Certificate of Naturalization (N-550, N-570, or N-578); Certificate of Citizenship (N-560, N-561, or N-645); Northern Marinas card (I-551); American Indian card (I-551); U.S. citizen ID card (I-179 or I-197); resident alien card (I-151, I-551, AR-DA, or AR-103); temporary resident card (I-688); nonresident alien Canadian border crossing card (I-185 or I-586); Arrival/Departure Record (I-94, or I-94W (for visa waiver program)) in valid non-U.S. passport; Arrival/Departure Record (I-94) with attached photo stamped "Temporary Proof of Lawful Permanent Residence"; valid non-U.S. passport stamped "Processed for I-551"; Permanent Resident Reentry Permit (I-327); Refugee Travel Document (I-571); Arrival/Departure Record (I-94) card in a Certificate of Identity; Arrival/Departure Record (I-94) stamped "Refugee," "Parole, Parolee," or "Asylee"; employment authorization document (Form I-766); Canadian Immigration Record and visa or Record of Landing (IMM 1000); court order (must contain full name, DOB, and court seal; examples include: adoption document, name-change document, gender-change document, etc.); military ID; valid U.S. or Canadian passport (a non-U.S.</p>	<p>➤ The lawful presence policy is not in the statute or regulations, but proof-of-identity documentation requirements create an ad hoc lawful presence requirement.</p> <p>➤ DL expires with applicant's "authorized duration of stay." DLs may not be issued for a period of less than 180 days.</p>

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STATE DRIVER'S LICENSE REQUIREMENTS • NILC • DECEMBER 2004 • PAGE 27 OF 31

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p>passport must be accompanied by appropriate INS or CIS document showing the applicant's immigration status); Vermont-issued photo learner's permit (the following learner's permits are <i>not</i> acceptable: any issued outside Vermont; any that does not bear a photo, unless the applicant also presents a second primary document; any that has been expired more than 1 year); Canadian Dept. of Indian Affairs-issued ID card (neither tribal-issued card nor U.S.-issued Bureau of Indian Affairs card is acceptable).</p> <p><b>Secondary documents.</b> Any primary document; Bureau of Indian Affairs ID card/Indian Treaty card (tribal ID card is <i>not</i> acceptable); DL/ID card that has been expired more than 1 year; court order that does not contain the applicant's DOB; employment ID card; foreign birth certificate (must be translated by approved translator); health insurance card (e.g., Blue Cross/Blue Shield, Kaiser, HMO); IRS/state tax forms (W-2 <i>not</i> acceptable); marriage certificate/license; civil union certificate; medical records from doctor/hospital; military dependent ID; military discharge/separation papers; parent/guardian affidavit (can be submitted only on behalf of a minor; parent/guardian must appear in person, prove his/her identity, and submit certified/notarized affidavit regarding child's identity); gun permit; pilot's license; school record/transcript (must be certified); Social Security card (metal card is <i>not</i> acceptable); Social Insurance card (for Canadian residents only); student ID card (must contain photo); vehicle title (vehicle registration is <i>not</i> acceptable); welfare card or prison release document.</p>	
 VA	Yes (w/exception)	Yes	<p>Applicants must present proof of identity, residency and lawful presence. They must present 2 identification documents (one must be a primary document), 1 proof of lawful presence, 1 proof of Virginia residency, and 1 proof of SSN (if the applicant has been issued one). At least 1 document presented must be from the list of primary documents.</p> <p><b>Primary documents.</b> <i>Virginia DMV-issued DL, unexpired or expired less than 1 year; Virginia DMV-issued learner's/instruction permit, unexpired or expired less than 1 year; Virginia DMV-issued photo ID card issued after Sept. 21, 2001, unexpired or expired less than 1 year; unexpired DL or learner's/instruction permit (with photo), not less than 60 days old, issued by a U.S. state (other than Virginia), jurisdiction, or territory or Canadian DL or learner's permit with photo; birth certificate issued by U.S. state, jurisdiction, or territory (birth documents issued by a hospital and foreign birth certificates are not accepted); unexpired photo ID card, not less than 60 days old, issued by a U.S. state (other than Virginia), jurisdiction, or territory (school and employment ID cards and Native American citizenship cards are not accepted); unexpired U.S. active duty/retiree/reservist military ID card (DD-2 or Common Access Card)(military dependent ID cards are not accepted as primary identity documents); unexpired or expired U.S. passport; unexpired non-U.S. passport with visa, I-94, I-94W, or I-551 stamp; U.S. Certificate of Naturalization (Form N-550, N-570, or N-578); unexpired conditional resident alien card (I-551) valid for two years; U.S. Certificate of Citizenship (Form N-560 or N-561); U.S. citizen ID card (Form I-179 or I-197); unexpired temporary resident card (Form I-688); unexpired employment authorization document (Form I-688A, I-688B, or I-766); unexpired Refugee Travel Document (Form I-571); unexpired resident alien card, permanent resident card (Form I-551), or Northern Marianas card, Consular Report of Birth Abroad of a Citizen of the U.S. (Form FS-240); Certification of Report of Birth Abroad of a Citizen of the U.S. (DS-1350); certificate of birth abroad FS-545); a copy of the first and last pages of an application for asylum, provided the pages are accompanied either by a receipt from the INS or CIS showing that the application has been filed or by documentation verifying that the application is pending in immigration court; documentation indicating decision to grant asylum by the Asylum Office or original document granting asylum issued by an immigration judge or by the INS or the CIS.</i></p> <p><b>Secondary documents.</b> Any of the "primary documents," above, whose listings are italicized; U.S. Selective Service card; court order for adoption, name change, or gender change from a U.S. state, jurisdiction, or territory (must contain court seal; abstracts of criminal or civil convictions are not acceptable); U.S. military discharge papers (Form DD-214); certified copy of school records/transcript issued by a U.S. state, jurisdiction, or territory, or by a state-accredited private school; a Virginia Dept. of Education certificate of enrollment form (a report card is not acceptable); Medicare card; Medicaid card; unexpired welfare/social services card issued by a municipality; marriage license issued by a U.S. state, jurisdiction, territory, or municipality; unexpired military dependent ID card, with photo; unexpired weapons or gun permit issued by a federal, state, or municipal government; unexpired</p>	<ul style="list-style-type: none"> <li>➤ Applicants who have an SSN must present it</li> <li>➤ DL expires with visa</li> </ul>


ABBREVIATIONS: CIS U.S. Citizenship and Immigration Services • DL driver's license • DMV Dept. of Motor Vehicles • DOB date of birth • ID identification • IJ immigration judge • INS Immigration and Naturalization Service • IRS U.S. Internal Revenue Service • ITIN Individual Tax Identification Number • LPR lawful permanent resident • SAVE Systematic Alien Verification for Entitlements • SSA Social Security Administration • SSN Social Security number

STATE	SSN REQUIREMENT	LAWFUL PRESENCE REQUIREMENT	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p>pilot's license; Form I-797 (Notice of Action) (acceptable only from person whose name appears on the form); U.S. Dept. of State form DS-2019 (acceptable only from person whose name appears on the form); Veterans Universal Access ID card; Authorization for Parole of an Alien to the U.S. (Form I-512); Virginia Criminal Justice Agency Offender Information Form; Form I-20 (Certificate of Eligibility for Nonimmigrant Student Status) with or without INS or CIS stamp; U.S. federal agency employment ID card bearing applicant's name and photo.</p> <p><b>Proof of residency.</b> Payroll check stub issued within 2 months of DL application; Virginia voter registration card; U.S. IRS tax reporting W-2 form or 1099 form (not more than 18 months old); U.S. or Virginia income tax return from previous year; original monthly bank statement not more than 2 months old; cancelled check (not more than 2 months old) with both name and address imprinted; annual SSA statement for current or preceding calendar year; utility bill, not more than 2 months old, issued to applicant; receipt for personal property taxes or real estate taxes paid to Virginia within the last year; current homeowner's insurance policy or bill; current automobile or life insurance bill (cards or policies not accepted); certified copy of school records/transcript from school in which applicant is currently enrolled, issued by a U.S. state, jurisdiction, or territory, or a Virginia Dept. of Education Certificate of Enrollment form (a report card is not acceptable); Virginia DL learner's permit, or DMV photo ID card; deed; mortgage; monthly mortgage statement or residential rental/lease agreement; postmarked U.S. mail with forwarding address label or change-of-address confirmation form from U.S. Postal Service; documentation proving that applicant is an active duty military member assigned to unit based in Virginia.</p> <p><b>Proof of legal presence.</b> Birth document issued by a U.S. state, jurisdiction or territory (birth documents issued by a hospital and foreign birth certificates are not accepted); Certification of Report of Birth of a U.S. Citizen (DS-1350); Certificate of Birth Abroad (FS-545); Consular Report of Birth Abroad (FS-240); unexpired or expired U.S. passport; U.S. Certificate of Citizenship; U.S. Certificate of Naturalization; unexpired U.S. active duty/retiree/reservist military ID card (DD-2 or Common Access Card); unexpired employment authorization card (I-688A, I-688B, I-766); U.S. citizen ID card (I-179, I-197); unexpired resident alien card, unexpired permanent resident card (I-551); unexpired foreign passport with a valid I-551 stamp; unexpired temporary resident card (I-688); Alien Registration Receipt Card (I-151); unexpired Re-entry Permit (I-327); unexpired temporary I-551 stamp on an I-94, with photograph of the bearer; unexpired conditional resident alien card (I-551); unexpired foreign passport with an unexpired or expired visa and a valid I-94 (holders of F-1 or F-2 visas must present a valid SEVIS I-20; holders of J-1 or J-2 visas must present a valid DS-2019); unexpired foreign passport with a valid I-94W; INS Form I-797 (applicant's name must appear on the form); unexpired Canadian passport with valid I-94; unexpired Refugee Travel Document (I-571); "U.S. Department of Receptions and Placement Program Assurance Form (Refugee)" [see note in the entry for Tennessee, above, under "Proof of U.S. citizenship, or of LPR, refugee or asylee status"] and I-94 stamped "Refugee"; Form I-94, Record of Arrival and Departure, stamped "Asylee," "Parolee" or "Parole," "Refugee," "Asylum," "HP" (for "Humanitarian Parolee"), or "PIP" (for "Public Interest Parolee"); a copy of the first and last page of an application for asylum in the U.S., provided the pages are accompanied either by a receipt from CIS showing the application has been filed or by documentation verifying the application is pending in immigration court OR indicating a decision to grant asylum by the Asylum Office; or the original of a document granting asylum issued by an immigration judge or the CIS.</p> <p><b>Proof of SSN.</b> Social Security card (ITIN not accepted); IRS tax reporting W-2 form or 1099 form; payroll check stub issued by employer; unexpired U.S. active duty/retiree/reservist military ID card (DD-2 or Common Access Card)(ID cards of military dependents are not accepted); annual Social Security Statement.</p>	


ABBREVIATIONS: CIS, U.S. Citizenship and Immigration Services • DL, driver's license • DMV, Dept. of Motor Vehicles • DOB, date of birth • ID, identification • IJ, immigration judge • INS, Immigration and Naturalization Service • IRS, U.S. Internal Revenue Service • ITIN, Individual Tax Identification Number • LPR, lawful permanent resident • SAVE, Systematic Alien Verification for Entitlements • SSA, Social Security Administration • SSN, Social Security number

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
WA	Yes (w/exception)	No	<p>Applicants must present 1 primary document, OR 1 supporting document and 2 alternate documents, OR a minimum of 5 alternate documents meeting the requirements listed below.</p> <p><b>Primary documents.</b> Washington driver's license, instruction permit, or ID card containing signature, DOB, and photo of applicant (currently valid or expired less than one year); out-of-state driver's license, ID card or photo instruction permit, or DL from Canada or another foreign country (valid or expired less than 60 days), accompanied by either 1 supporting and 1 alternate document, or by a minimum of 2 alternate documents; valid ID card issued by the U.S., a state, or an agency of either the U.S. or a state (of a kind commonly used to identify the members or employees of the government agency) bearing the applicant's signature and photo, accompanied by either 1 supporting and 1 alternate document, or a minimum of 2 alternate documents; valid military ID card with photo and signature from a branch of the U.S. armed services; a valid U.S. passport with the bearer's signature and photo; an original CIS (formerly INS) form with the signature and photo of the bearer (e.g., the I-551, Resident Alien Card, and I-186 are considered acceptable primary documents if they contain a readable signature and photo; other CIS or INS documents have limited acceptability); parent or guardian identity signature (an applicant under age 18 may establish identity by providing an affidavit from his/her parent or guardian; the parent or guardian must accompany the applicant and provide at least one primary proof of identity and a separate document as evidence of the parent/guardian relationship; if the primary document is an out-of-state license, additional documentation will be required).</p> <p><b>Supporting documents.</b> Valid non-U.S. passport; a federally recognized Indian tribe's enrollment card or a U.S. Bureau of Indian Affairs ID card containing the signature and photo of the bearer; a verification letter produced by the Washington State Dept. of Corrections, U.S. federal correction authorities, Washington Dept. of Social and Health Services, or the King County Dept. of Adult Detention (letters from any other entity, law enforcement, public or private agency, or individual not acceptable); a Washington city or county police employee ID card, containing the signature and photo of the bearer.</p> <p><b>Alternate documents.</b> To establish proof of identity using ONLY alternate documents, the documents the applicant presents must meet the following requirements: One document must contain applicant's name and DOB and be one of those listed below under "Name and Date-of-Birth List"; the second document must contain the applicant's name and signature (see examples below); and the additional three documents can be (or be of a kind similar to) any of those listed below under "Name and Photo/Address/Signature/Additional Date-of-Birth (examples)."</p> <p><b>Name and Date-of-Birth List (mandatory):</b> Certified birth certificate; concealed weapons permit; court-issued adoption papers; foreign passport (valid or expired); foreign driver's license with photo; King County Club Entertainer Card; military discharge papers (DD-214); parental affidavit (for child 18 or older); punched Washington license/ID card; Refugee Relief Placement Packet; Veterans Administration ID: "Ward of the Court" [sic - verbatim from WA Dept. of Licensing website: <a href="http://www.dol.wa.gov/ds/id.htm">www.dol.wa.gov/ds/id.htm</a>].</p> <p><b>Name and Signature (examples):</b> Bank card/credit card; bus pass; cancelled checks/checkbook; concealed weapons permit; diver card; divorce decree with name/signature; Flagger card; food handler card; expired foreign passport; gun permit; Immunization record; King County Club Entertainer card (sheriff-issued); library card; marriage license (filed or unfiled); medical coupon; Mexican matricula consular; Mexican military card; military discharge form (DD-214); minor ID issued by law enforcement; mortgage document; notarized commercial contract; nonphoto instruction permit with signature; rental or lease agreement; Selective Service stub; Social Security card; taxi ID with photo; tax return or W-2 form; ticket/infraction; transfer of property (Quit Claim Deed); vehicle registration; Veterans Administration ID; voter registration card.</p> <p><b>Name and Photo/Address/Signature/Additional Date-of-Birth (examples).</b> Adjudication form; auto insurance policy/card; bank account statement/cancelled check; bus pass; business license; cancelled check/checkbook; certified birth certificate of child; clearance letter/ADR from other state's DMV; employee ID; expired foreign passport; Guatemalan cédula; high school transcript or yearbook with photo; hospital birth certificate; I-766 or I-688A or I-688B; medical record paid by insurance/insurance</p>	<p>➤ Applicants who have been issued an SSN must provide it. Applicants without SSNs must submit a Social Security Number Declaration form.</p>

ABBREVIATIONS: CIS U.S. Citizenship and Immigration Services • DL driver's license • DMV Dept. of Motor Vehicles • DOB date of birth • ID identification • IJ immigration judge • INS Immigration and Naturalization Service • IRS U.S. Internal Revenue Service • ITIN Individual Tax Identification Number • LPR lawful permanent resident • SAVE Systematic Alien Verification for Entitlements • SSA Social Security Administration • SSN Social Security number

STATE	SSN REQUIREMENT	LAWFUL PRESENCE REQUIREMENT	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			statement; Mexican school record with seal and photo of child at age of issuance; newspaper article with photo; nonphoto instruction permit with signature; notarized contract; parent with ID for child over age of 18; pay stub; personal business mail, i.e., utility bill, insurance, retailer; photo public assistance card; restricted area security badge; Selective Service stub; voter registration card; W-2 form.	
 WV	Yes (w/exception)	Yes (see comments)	<p><b>Non-U.S. citizens with immigrant status must present the following:</b> Form I-551 (Alien Registration Receipt Card); valid temporary I-551 stamp in non-U.S. passport (accompanied by English translation) or on Form I-94 (Arrival/Departure Record); or valid Form I-327 (Reentry Permit). In addition, immigrant applicants are required to present the following: Social Security card or ITIN, and 2 proofs of West Virginia residency.</p> <p><b>Noncitizens with nonimmigrant status must present the following:</b> Social Security card or ITIN, 2 proofs of West Virginia residency, a valid non-U.S. passport with English translation, a Form I-94 (Arrival/Departure Record), a U.S.-issued visa (if the applicant is from a country whose nationals are required to obtain a visa in order to visit the U.S.). In addition, nonimmigrants must present all original documents they have been issued that verify their status and the length of their authorized stay in the U.S. Applicants whose status is F-1 or F-2 must present Form I-20 (Certificate of Eligibility for Nonimmigrant Student Status) and written verification of their attendance at the school listed on their Form I-20. Applicants whose status is H1-A, H1-B, H-3, or H-4 must present written verification from their employer. Applicants whose status is J-1 or J-2 must present Form IAP-66 (Certificate of Eligibility for Exchange Visitor Status) and written verification of their attendance at the school listed on their Form IAP-66.</p> <p><b>Refugees must present the following:</b> Social Security card or ITIN, a Form I-94 (Arrival/Departure Record) showing that bearer has been granted refugee status, a Reception and Placement Program Assurance Form (providing written verification of the bearer's identity and West Virginia residency prepared by an employee of a sponsoring organization approved by the U.S. Dept. of State to resettle refugees in West Virginia).</p> <p><b>Refugees without an approved sponsoring organization or asylees must present the following:</b> 2 proofs of West Virginia residency, a Social Security card or ITIN, Form I-94 (Arrival/Departure Record) stamped "Refugee/Asylee," and an employment authorization document (Form I-688B or I-766).</p> <p><b>Proof of residency (any document presented must bear a West Virginia residence address).</b> West Virginia utility bills; West Virginia property tax bill or receipt; West Virginia mortgage documents or homeowner insurance documents for a West Virginia residence or proof of West Virginia home ownership; West Virginia W-2 form not more than 18 months old with the applicant's name and address; West Virginia weapons permit; West Virginia Motor Vehicles registration card; West Virginia voter's registration card; West Virginia school enrollment form if applicant is under age 18; West Virginia homestead tax exemption; proof of West Virginia public assistance; residential rental and/or lease agreement.</p>	<ul style="list-style-type: none"> <li>➤ Those not eligible for an SSN must present an ITIN.</li> <li>➤ A license issued to a person who is not a U.S. citizen may be issued only for the time the person is legally authorized to be in the U.S., not to exceed five years.</li> <li>➤ There is not an explicit lawful presence requirement, but foreign-issued documents must be accompanied by CIS or INS documents.</li> </ul>
WI	Yes (w/exception)	No	<p>Applicants must present proof of name and DOB, identity, and state residency.</p> <p><b>Proof of name and DOB.</b> Passport or certified copy of birth certificate (hospital birth certificates or baptismal certificates are not acceptable); Wisconsin operator's license or Dept. of Transportation-issued ID card, with photo; I-151 or I-551 Alien Registration Receipt card; I-94 (Arrival/Departure Record, parole or refugee version) and Form MV3002 (certification of name and DOB); U.S. Certificate of Naturalization; U.S. Certificate of Citizenship; Wisconsin notification of birth registration; American Indian card; federal temporary resident card; federal employment authorization document; Form I-181 (Memorandum of Creation of Lawful Permanent Residence); Northern Marianas card; operator's license or ID card issued by another jurisdiction, with photo and signature of licensee; court order with applicant's full name and DOB, and court seal (e.g., adoption document, name-change document, or gender-change document; abstract of criminal or civil conviction not acceptable); U.S. military personnel ID card; Mexican voter registration card with an identifiable photo and signature of the bearer.</p>	<ul style="list-style-type: none"> <li>➤ An SSN must be provided if applicant has one. Applicants who do not have an SSN must state or subscribe under oath or affirm that they do not have an SSN.</li> </ul>

ABBREVIATIONS: CIS U.S. Citizenship and Immigration Services • DL driver's license • DMV Dept. of Motor Vehicles • DOB date of birth • ID identification • IJ: immigration judge • INS: Immigration and Naturalization Service • IRS: U.S. Internal Revenue Service • ITIN: Individual Tax Identification Number • LPR: lawful permanent resident • SAVE: Systematic Alien Verification for Entitlements • SSA: Social Security Administration • SSN: Social Security number

STATE	SSN REQUIREMENT	LAWFUL PRESENCE REQUIREMENT	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			<p><b>Proof of identity.</b> Photo driver's license or state-issued ID card; military discharge papers, including DD-214; U.S. government and military dependent ID card; U.S. Merchant Mariners photo ID; copy of federal or state income tax return; professional license; marriage certificate or certified copy of a judgment of divorce; international driver's license (and applicant's valid license from his/her country of origin); SSA-issued Social Security card; credit card with signature; private investigator's license; life insurance policy; canceled check; Wisconsin Forward card or Badger Care card; Medicaid card; Canadian Social Insurance card; driver education course completion certificate; employee photo ID card; student photo ID card; ID card issued by a foreign consulate bearing an identifiable photograph and signature, or reproduction of the signature, of the bearer; certified school record or transcript; vehicle title, provided it was issued more than 30 days prior to DL application date; prison release document; affidavit from a physician who testifies as to the applicant's identity and to having known the applicant for more than 2 years, together with a physician-provided copy of the applicant's medical chart.</p> <p><b>Proof of residency.</b> Wisconsin ID card or driver's license; Wisconsin vehicle registration or title, at least 30 days old; pay check or stub with applicant's name and Wisconsin address, as well as employer's name and address; a bill with applicant's name and Wisconsin address (utilities, cable TV, credit card, etc.); account statement at least 30 days old from a Wisconsin financial institution; Forward Wisconsin card (medical assistance card); Wisconsin food stamp credit card (Quest card); Wisconsin school ID/documents for applicant or applicant's child; taxpayer ID number along with the letter from the IRS addressed to applicant; Milwaukee County ID card issued after Feb. 1, 2000; verification that applicant is a resident of Wisconsin provided by applicant's spouse, mother, father, child or legal guardian who has a valid Wisconsin DL or ID card (addresses of applicant and verification provider need not be the same); other documents or proof that are approved at a local level by a staff member at a Division of Motor Vehicles service center.</p>	
 <b>WY</b>	Yes (w/exception)	Yes	<p>Applicants must submit proof of identity and lawful presence.</p> <p><b>Proof of identification.</b> Original or state-certified birth certificate (no photocopies accepted); valid U.S. or Canadian passport; U.S. Certificate of Naturalization; non-U.S. immigration documents in lieu of foreign birth certificates (a non-U.S. passport must be accompanied by appropriate INS or CIS documents).</p>	<ul style="list-style-type: none"> <li>➤ An SSN must be provided if the applicant has one. An applicant who does not have an SSN must sign an affidavit stating that he or she does not have an SSN.</li> <li>➤ DLs issued to "nonresident aliens" expire the date that their INS or CIS document expires, and not to exceed four years.</li> </ul>

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# Alaska State Legislature

**Chairman**  
State Affairs Committee

**Member**  
Vice-Chair, Judiciary Committee  
Transportation Committee  
Joint Armed Services Committee

**Finance Subcommittees**  
Administration  
Corrections  
Military and Veterans Affairs



*A Communication From*  
**REPRESENTATIVE BOB LYNN**  
**District 23 Anchorage**

**E-Mail: [Rep.Bob.Lynn@akleg.gov](mailto:Rep.Bob.Lynn@akleg.gov)**

**Session:**  
Alaska State Capitol #108  
Juneau, AK 99801-1182

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

**Interim:**  
716 W. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

Phone: (907) 269-0205  
Fax: (907) 269-0207

The following states have already codified the provisions of HB 1 into law:

Alabama, Arkansas, Arizona, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming

In all, *thirty-six* states and the District of Columbia issue driver's licenses that are valid for no longer than the period of time that the driver is legally permitted to reside in the United States. It is important to note that under the provisions of HB 1, the DMV would only consider authorized length of stay for drivers who use an immigration document as their proof of identification when applying for their driver's license.

# STATE OF ALASKA

**DEPARTMENT OF LAW**  
*OFFICE OF THE ATTORNEY GENERAL*

*SEAN PARNELL*  
*GOVERNOR*

*LABOR & STATE AFFAIRS*  
*1031 WEST 4<sup>th</sup> AVENUE, SUITE 200*  
*ANCHORAGE, ALASKA 99501-1994*  
*PHONE: (907) 269-6612*  
*FAX: (907) 258-4978*

January 28, 2013

Representative Bob Lynn  
State Capitol Room 108  
Juneau, Alaska 99801

Re: HB-1

Dear Representative Lynn:

Mr. Wolfe of your office contacted me concerning the above-referenced bill.

Consistent with Department of Law practice, I have reviewed this bill. In my review, I saw no basis for constitutional challenge of it.

Sincerely,

MICHAEL C. GERAGHTY  
ATTORNEY GENERAL

By:



Erling T. Johansen  
Assistant Attorney General

ETJ/ljt



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL


Department of Administration

DIVISION OF MOTOR VEHICLES  
Director's Office

1300 West Benson Boulevard, Suite 400  
Anchorage, Alaska 99503-3692  
Main: 907.269.5559  
Fax: 907.269-5081  
[www.alaska.gov/dmv](http://www.alaska.gov/dmv)  
[amy.erickson@alaska.gov](mailto:amy.erickson@alaska.gov)

## 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).

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

March 6, 2013

**SUBJECT:** HB1 - Drivers' Licenses of Less than Five Years Duration  
(Work Order No. 28-LS0008\O)

**TO:** Representative Bob Lynn  
Attn: Forrest Wolfe

**FROM:** Kathleen Stradbaugh  
Legislative Counsel

You have asked me to review and comment on correspondence from Margaret Stock to Mr. Prax of Representative Keller's staff. I spoke with Mr. Wolfe a couple of days after the bill's first hearing on February 18, and advised that I could not provide assistance with regard to Ms. Stock's assertions about the practical difficulties the bill may cause for the division of motor vehicles, or the difficulties that might be encountered with respect to interaction with federal immigration officials and regulations. We agreed that the best sources of such information are the DMV and federal immigration officials. I believe Mr. Wolfe has already communicated with these agencies. We also discussed the fact that some of the legal issues require an analysis of the rationale for the legislation, which might involve the presentation of factual information, to the extent that it has not already been provided.

While I am not an expert in immigration, I can address, at least briefly, three legal issues set out in Ms. Stock's correspondence.

The bill provides that the Department of Administration may issue a driver's license to a person who has permission to be in the United States for less than five years, for the period of time the permission has been granted. It also provides that a person with permission to stay in the United States for an indefinite period may receive a license annually.

1. **Equal Protection.** The first question is whether a driver's license applicant who has permission to be in the United States for an indefinite period and receives a license that requires an annual renewal, is being treated less favorably than a person whose permission to be in the country is for a definite period, who receives a license that is for that definite period, to such a degree that the first applicant's right to equal protection of the laws is affected.

Challenges to government practices that draw distinctions between persons with differing legal statuses under federal immigration laws are usually reviewed by courts under the rationale basis standard. The Alaska Supreme Court has permitted the permanent fund dividend program to distinguish between immigrants in the U.S. with permission and those in the U.S. without permission, as rationally related to the program's aims under the Alaska and U.S. equal protection standards. *Cosio v. State*, 858 P.2d 621, 627 and 629 (Alaska 1993). See also *State v. Andrade*, 23 P.3d 58, 78 (Alaska 2001) (upholding the permanent fund statute's distinction between those who are admitted for permanent residence and those who are not, but noting the unconstitutionality of an expired regulation that appeared to improperly exclude persons who were not precluded by federal law from forming the intention to remain in the state); accord, *Carlson v. Reed*, 249 F.3d 876, 882 - 83 (9th Cir. 2011) (upholding the distinction between legal permanent residents and those who are not eligible for permanent residence for the purpose of in-state college tuition).

However, in my opinion HB 1 does not actually attempt to draw distinctions among persons with differing statuses. A person with uncertain time limits could be a refugee seeking permanent residence, or a student who is not. Persons with specified periods of admission may have differing statuses as well. Each group is entitled to apply for and to receive a driver's license. The differing durations of licensing periods are not based on drawing improper distinctions among persons with differing immigration statuses, and thus it does not appear that there is an equal protection problem of the type identified in pages 1-2 of the correspondence.

**2. Litigation in Other States.** The correspondence also suggests that "the bill will lead to expensive litigation." I did not find any source of statistics on the amount of litigation, or its expense, nor of unreported activity in trial courts around the nation. In addition, I could not find any reported cases in which similar legislation has been overturned. The correspondence refers to an unreported case in a federal district court in New Hampshire as an example of such litigation. In that case, driver's license holders whose permission to be in the country was for an indeterminate period or for less than five years, sued because they were (1) required to travel to the state capital to renew their licenses and to stand in special lines, (2) issued temporary documents without photos, (3) treated as having requested duplicate licenses, (4) issued final licenses that had a special mark that might have indicated their immigration status, (5) required to meet more onerous standards with respect to residency and, (6) issued licenses for less than five years. *Fahy v. Commissioner*, 2006 WL 82705, at 1 - 4 (D. N.H. March 29, 2006). Some of the plaintiffs received licenses that were valid for less than one year. *Id.* The court enjoined the practice of issuing shorter temporary permits to noncitizens, but upheld the balance of the requirements, finding them in compliance with federal mandates, particularly with respect to identity verification under the federal REAL ID Act.<sup>1</sup> *Id.* at 16 - 17. In

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<sup>1</sup> Under AS 44.99.040, Alaska state agencies are not permitted to expend funds for compliance with the REAL ID Act, but DMV's identification requirements are largely consistent with its documentation requirements.

subsequent litigation of the case, the court determined that those persons with permanent status or federal identification indicating refugee or asylee status could not have the duration of their licenses tied to their status because neither the state's regulations nor the REAL ID law required it. *Fahy v. Commissioner*, 2006 WL 1764346, at 2 - 3 (D.N.H. June 26, 2006).<sup>2</sup>

One could argue that the *Fahy* case might stand for the proposition that treating citizens differently than noncitizens is a violation of federal equal protection standards. However, a reported circuit court decision upheld such a time limitation for certain driver's licenses. In *League of United Latin Am. Citizens v. Bredesen*, 500 F.3d 523 (6th Cir. 2007), the Sixth Circuit Court of Appeals upheld a Tennessee law that issued driving certificates, but not licenses or identification cards to persons whose status would not lead to permanent residence (immigrant status), finding that the different document imposed no real burden. *Id.* at 532. *Carlson v. Reed*, decided by the Ninth Circuit, which covers Alaska, also permits distinctions among persons with immigrant status and persons with temporary (nonimmigrant) status. These reported circuit court cases are probably more useful guidance than the New Hampshire case, which it must be said, approved harsh differential treatment in comparison to the conditions imposed by HB 1.

A higher standard of review applies when a government practice burdens a fundamental right based on alienage. However, if we examine the major cases in which a state government imposes a burden based on alien status, each one involves the deprivation of a significant right solely on the basis that the individual is not a citizen. *Toll v. Moreno*, 458 U.S. 1 (1982) (denial of in-state tuition for persons with long term status); *Plyler v. Doe*, 457 U.S. 202 (1982) (denial of right to an education for the children of persons unlawfully in the country); *Graham v. Richardson*, 403 U.S. 365 (1971) (denial of welfare benefits); *Takahashi v. Fish and Game Commission*, 334 U.S. 410 (1948) (deprivation of commercial fishing license); *Dandamudi v. Tisch*, 686 F. 3d 66 (2nd Cir. 2012) (deprivation of pharmacist licenses to persons with employment visas).<sup>3</sup>

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<sup>2</sup> In a third decision, the court noted, in granting the plaintiffs substantially less of the attorneys' fees than they requested, that the court's second ruling had not actually determined whether New Hampshire had engaged in unlawful practices. *Fahy v. Commissioner*, 2006 WL 3051774 at 2 (D.N.H. October 26, 2006).

<sup>3</sup> The Second Circuit applies a strict scrutiny standard of review for drawing distinctions among persons with varying immigration statuses, the Fifth and Sixth do not. *League of United Latin Am. Citizens v. Bredesen*, *id.* at 531 -32 (rationale basis test applied); *LeClerc v. Webb*, 419 F.3d 405, 422 (5th Cir. 2005) (persons with non-immigrant status could not sit for bar examination; rational basis test applied). In *Carlson*, the Ninth Circuit case, the court does not discuss the standard of review.

Representative Bob Lynn  
March 6, 2013  
Page 4

In my opinion, HB 1 does not deprive a person of a license or livelihood. The bill does not mandate special marks, separate locations, separate lines, nor temporary documents. The burden the bill imposes, a different licensing period, is less than that imposed in the cases discussed above. It is difficult to predict the outcome of litigation. Another court could handle the case in the manner that the *Fahy* court did, but it seems more likely that a federal court would review the bill in the manner of *League of United Latin Am. Citizens v. Bredesen, supra*, or *Carlson v. Reed, supra*. And while, Alaska's equal protection standards are more exacting than those imposed by the federal courts, the Alaska Supreme Court may find the bill similar to the law it upheld in *Andrade*.

**3. Administration of Federal Law.** The correspondence suggests that the bill would require the state to administer federal law. A state that attempts to do so can run afoul of the Supremacy Clause. *Arizona v. U.S.*, \_\_\_ U.S. \_\_\_, 132 S.Ct. 2492 (2012) (overturning state effort to conduct its own scheme of immigration enforcement); *Hines v. Davidowitz*, 312 U.S. 52 (1941) (striking down a state alien registration scheme); compare *Andrade*, 23 P.3d at 74. As I understand it, the Division of Motor Vehicles would not be determining the immigration status of driver's license applicants. The DMV would merely review the documents presented by the applicant to prove identity or residency, and, if the documents revealed an approved stay that was indeterminate or less than five years, it would issue the license for the duration of the approved stay or one year. I cannot speak to the relative difficulty of this review, but it does not appear to involve more effort than that required of all employers in the United States under the Immigration Reform and Control Act of 1986, 8 USC 1324a, which requires employers to determine the veracity of immigration documents and whether the documents authorize a person to work, facing the possibility of federal civil and criminal penalties if they fail.<sup>4</sup>

Please let me know if I can be of further assistance in this matter.

KJS:Ind  
13-126.Ind

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<sup>4</sup> See <http://www.uscis.gov/files/form/m-274.pdf>, which describes an employer's duties.



## Alaska Association of Chiefs of Police

February 2, 2013

The Honorable Robert Lynn  
Alaska State House of Representatives  
State Capitol, Rm. 108  
120 4th Street, Mail Stop 3100  
Juneau AK 99801-1182

Dear Representative Lynn,

In my capacity as President of the Alaska Association of Chiefs of Police, I am writing to express our support of House Bill 1, "An Act relating to issuance of drivers' licenses". Our Association is comprised of more than 100 law enforcement executives from all across Alaska, and we understand that the first step in enforcing law is to reliably identify the people with whom we have official contact, and we believe this legislation will be helpful in that regard.

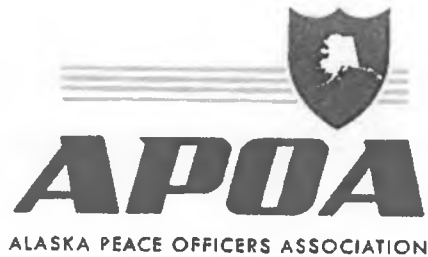
We are pleased that HB 1 helps Alaska to join other states in recognizing the needs of alien residents to lawfully drive in the state, while at the same time limiting the likelihood that state issued identification can be used to legitimize their continued presence once their visa expires.

We look forward to working with you to insure that HB 45 is passed, and encourage you to contact our Executive Director, Kalie Klaysmat, at 907-394-5426 or by email at [kalie.klaysmat@aacop.org](mailto:kalie.klaysmat@aacop.org) should there be some way we can be of assistance in that regard.

Respectfully,

A handwritten signature in black ink, appearing to read "Tom Clemons", written in a cursive style.

Chief Tom Clemons, President  
CC: Representatives Chenault, Hawker, and Johnson



February 12, 2013

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The Honorable Bob Lynn  
Alaska State House of Representatives  
State Capitol Rm 108  
120 4th Street, Mail Stop: 3100  
Juneau, AK 99801-1182

Dear Representative Lynn:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill 1, "An act relating to issuance of drivers' licenses".

The APOA Board of Directors recently reviewed this proposed legislation and unanimously supports this bill in its current form.

Please contact the APOA office in Anchorage at 277-0515, if there is anything our organization can do to assist you in your work for our State.

Sincerely,

John Lucking, Jr.  
State President

Cc: Representative Mike Chenault  
Representative Mike Hawker  
Representative Craig Johnson

PO Box 240106  
Anchorage AK 99524

† 907 277 0515  
f 907 272 5355

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January 28, 2013

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(907) 258-0288 (fax)  
[WWW.AKCLU.ORG](http://WWW.AKCLU.ORG)

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The Honorable Bob Lynn, Chair  
The Honorable Wes Keller, Vice-Chair  
House State Affairs Committee  
Alaska State House of Representatives  
State Capitol, Room 106  
Juneau, AK 99801

*via email:*

[Rep.Bob.Lynn@akleg.gov](mailto:Rep.Bob.Lynn@akleg.gov)

[Rep.Wes.Keller@akleg.gov](mailto:Rep.Wes.Keller@akleg.gov)

Re: **House Bill 1 - Relating to Issuance of Driver's Licenses**  
**Constitutional Infirmities**

Chair Lynn, Vice-Chair Keller:

Thank you for the opportunity to submit written testimony regarding House Bill 1, Relating to Issuance of Driver's Licenses.

The American Civil Liberties Union of Alaska represents thousands of members and activists throughout the State of Alaska who seek to preserve and expand individual freedoms and civil liberties guaranteed under the United States and Alaska Constitutions. In that regard, we appreciate the opportunity to provide the Committee with information highlighting constitutional infirmities with the proposed legislation.

We would be happy to work with you or the Committee to answer any questions you might have.

### **Purpose of Driver's License, and Federal Pre-Emption**

A driver's license's "primary purpose is to allow its bearer lawfully to drive a car." *U.S. v. Campos-Serrano*, 404 U.S. 293, 299 (1971). **It is not intended as a document to relate to one's immigration status.**

HB 1 would require the State of Alaska both to determine *whether* someone is legally present in the country and to speculate on *how long* that individual may stay. This determination implicates the Supremacy Clause of the United States Constitution, which guarantees that **federal law will supersede state law in the areas of immigration.** "The Federal Government has broad constitutional powers in determining what aliens shall be admitted to the United States, the period they may remain, regulation of their conduct before naturalization, and the terms and conditions of their naturalization. Under the Constitution the states are granted no such powers; they can neither add to nor take from the conditions lawfully imposed by Congress upon admission, naturalization and residence of aliens in the United States or the several states. *State laws which impose discriminatory burdens upon the entrance or residence of aliens lawfully within the United States conflict with this constitutionally derived federal power to regulate immigration, and have accordingly been held invalid.*" *DeCanas v. Bica*, 424 U.S. 351, 358 n.6 (1976) (citations omitted) (emphasis added).

The once-a-year requirement to renew a driver's license for those present for an indefinite period of time bears a striking similarity to the annual registration requirement for legal immigrants overturned in *Hines v. Davidowitz*, 312 U.S. 52, 59-60 (1941). In *Hines*, legal aliens were required to obtain a Pennsylvania identification card, renewed every year, which had to be shown, among other purposes, "as a condition precedent to registering a motor vehicle in his name or obtaining a license to operate one." *Id.* at 59. *The Pennsylvania identification requirement was invalidated, as Congress had reserved entirely to itself, or "occupied the field" of, the management of aliens within the borders of the United States.* *Id.*, (emphasis added).

Last year, the United States Supreme Court reaffirmed the logic of the *Hines* decision by rejecting an Arizona law which punished as a misdemeanor the failure of any legal immigrant to carry an "alien registration document," as the Court found that the federal government had the exclusive authority to register non-citizens. *Arizona v. United States*, 132 S. Ct. 2492, 2502 (2012). ***HB 1 would essentially make state driver's licenses into "alien registration documents" used in tracking the legal status of non-citizens by the state government, which is not a proper role for the state of Alaska, nor among the traditional "police powers" of state governments.***

The United States Supreme Court has even held that some state laws relating exclusively to *undocumented immigrants* may violate the Supremacy Clause, where the regulation does not clearly serve legitimate state interests. *Plyler v. Doe*, 457 U.S. 202, 226-30 (1982) (overturning a Texas policy of not reimbursing public school districts for the costs associated with teaching

undocumented students). Further, various federal statutes manifest intent to prohibit discrimination against people on the basis of immigration status. *See, e.g.*, 8 U.S.C.A. § 1324b.

These cases and statutes indicate that – if enacted – a court could determine that HB 1 violates the Supremacy Clause.

### **Legislation Directed at Immigrants: Suspect Classification**

**Generally, regulations explicitly directed at legal immigrants are considered suspect classifications, like distinctions based on race and nationality.** *Graham v. Richardson*, 403 U.S. 365, 372 (1971). *The State of Alaska may not impose a special condition of driver's license renewal on legal immigrants, for similar reasons as it could not impose such conditions on drivers of a certain race, sex, or religion.*

HB 1, if enacted as drafted, would regulate the issuance of essential identification to legal immigrants, in a manner discriminatory towards those legal immigrants and potentially quite burdensome. Some immigrants may have short-term visas which are periodically renewed. The State of Alaska would impose unreasonable burdens on those immigrants by mandating that they also renew their driver's licenses each time they obtain a new visa, *for reasons having nothing to do with the fitness of the individual to drive a car.*

In an earlier case, the United States Supreme Court rejected state efforts to limit the issuance of a fishing license only to those eligible for citizenship. “[T]he power of a state to apply its laws exclusively to its alien inhabitants as a class is confined within narrow limits.” *Torao Takahashi v. Fish & Game Comm'n*, 334 U.S. 410, 420 (1948). The Court rejected the notion that a “state can adopt one or more of the same [federal immigration] classifications to prevent lawfully admitted aliens within its borders from earning a living in the same way that other state inhabitants earn their living.” *Id.* at 418-19.

In a recent case, the federal appeals court for the Second Circuit struck down a law prohibiting non-immigrant aliens from obtaining licenses to work as pharmacists. *Dandamudi v. Tisch*, 686 F.3d 66, 80 (2d Cir. 2012). **The state, in its role as regulator, was entitled to ensure that pharmacists were “professionally qualified to engage in the particular specialty occupation,” but states could not determine that a “certain subclass of immigrants is not qualified for licensure merely because of their immigration status.”** *Id.*, (emphasis added). *The failure to tailor the licensing scheme to a legitimate state interest was fatal to the law.*

HB 1 would likely suffer a similar fate to the statutes challenged in *Torao Takahashi* and *Dandamudi*. No one would seriously suggest that one's immigration status closely relates to a driver's fitness to drive safely on the roads of Alaska.

One might also note the emphasis in both *Torao Takahashi* and *Dandamudi* on the right of individuals, **including non-citizens**, to earn a living. If the state denies driver's licenses or makes maintaining a driver's license procedurally cumbersome to legal immigrants, such a policy impairs the ability of those parties to maintain work. Many occupations directly require that a person maintain a driver's license, while in other cases driving is a practical necessity, as the commute to work would otherwise become difficult or expensive.

Among the unique provisions of the Alaska Equal Protection clause is the declaration that all people have a "natural right to life, liberty, the pursuit of happiness, and the *enjoyment of the rewards of their own industry*." Alaska Const., Art. I, Sec. 1 (emphasis added). To the extent denial of or limitations on a driver's license tends to thwart legal immigrants in finding or maintaining employment, the courts will question whether HB 1 unreasonably and inequitably restricts the right to the rewards of one's own industry. See *Alaska Civil Liberties Union v. State*, 122 P.3d 781, 794 (Alaska 2005).

#### **Equal Protection and Due Process Issues**

HB 1 additionally raises issues regarding violation of both federal and Alaska standards for equal protection. See, e.g., *State, Dep't of Revenue v. Andrade*, 23 P.3d 58, 78 (Alaska 2001) (noting that both sides conceded, and the court held, that an earlier regulation barring *all* legal aliens from obtaining money from the permanent fund violated equal protection). That driving may be considered a privilege and not a right is immaterial; **the denial to non-citizens of certain state benefits, including financial assistance for education and certain welfare benefits, has been ruled unconstitutional.** *Richardson*, 403 U.S. at 375-76; *Nyquist v. Mauclet*, 432 U.S. 1, 11-12 (1973).

**Assuming that the statute's intended meaning is that some categories of non-citizens should be forced to renew their licenses more frequently than citizens, the use of immigration status, or alienage, as a classification violates equal protection.**

Moreover, the Alaska Supreme Court has emphasized the status of driver's licenses as "an important property interest." *Champion v. Department of Public Safety*, 721 P.2d 131, 133 (Alaska 1986). A driver must receive meaningful due process before a "driver's license[ ] may be revoked or suspended." *Javed v. Department of Public Safety*, 921 P.2d 620, 622 (Alaska 1996) (citations omitted). While most due process cases relate to revocation or suspension of a driver's license, rather than issuance, given the technical legal nature of the terms by which the license is revoked, a court might look at this rule as requiring a substantial and meaningful hearing, including a court hearing, to determine the immigration status of the individual. ***Designating a license for early and automatic expiration is not functionally different from suspending or revoking the license.***

Thus, requiring or allowing employees of the Division of Motor Vehicles to attempt to assess someone's immigration status would likely not comport with due process. Moreover, the implications of a due process challenge on this issue would merely heighten the pre-emption argument that the bill as a whole is invalid, as **the statute essentially requires state officials to assess independently a licensee's federal immigration status. That function is neither one that DMV employees are well-equipped to do, nor one that Congress has delegated to them.**

Given the lack of expertise of state officials in the federal immigration arena, the "risk of error" in assessing whether someone is a legal immigrant and how long they may legally stay in the United States would seem to be high. Such "risk of error" would invalidate an automatic scheme of license revocation. *City of Redmond v. Moore*, 91 P.3d 875, 881 (Wash. 2004).

Additionally, the Committee may wish to consider the potential language proficiency issues of some legal immigrants and their lack of familiarity with the legal system. *An immigrant who innocently misses a re-registration deadline, and is then found guilty of driving on an expired license, could have that conviction hamper their continued efforts to remain in the country or to become a citizen or permanent resident.*

#### **Procedural Issues: Departmental Regulations, Scope of "Indefinite"**

A further problem with HB 1 is that it dictates an outcome, without explaining a method. The bill leaves up to regulation by the Department *how* the duration of the individual's stay is determined. However, Alaska state administrative agencies have no identified expertise in determining immigration status, and the courts have noted the inability of the states to do so, as **"the structure of the immigration statutes makes it impossible for the State to determine which aliens are entitled to residence, and which eventually will be deported."** *Plyler*, 457 U.S. at 236 (Blackmun J., concurring); *id.* at 226.

The duration of permitted stay is, in some cases, hard for a lay person unfamiliar with immigration law to determine. **For instance, a non-citizen in Alaska for educational reasons may not be limited in the terms of her stay to the date listed on her visa, but until her educational program is complete.** U.S. Dep't of State, Student Visas (A student "may stay [in the United States] as long as [she is] a full time student, even if the F-1 visa in [her] passport expires while [she is] in the United States.") at [http://travel.state.gov/visa/temp/types/types\\_1268.html#14](http://travel.state.gov/visa/temp/types/types_1268.html#14). A DMV employee unfamiliar with immigration law may incorrectly assume that the length of permitted stay is simply until whatever date is on the individual's visa. A hearing officer will not have sufficient knowledge of immigration law to correct such errors on review, **resulting in simple licensing matters turning into lengthy litigation.** Some non-citizens legally present in the United States may lose their licenses because they cannot afford legal representation to demonstrate the permitted duration of their stay and because they cannot explain the intricacies of immigration law to DMV employees.

Without a fixed system for determining the immigration status of driver's license applicants, the uncertainty of the administrative determination could impose unreasonable suspicion on those who "look" or speak "differently." A better course is for the state to leave determination of immigration status to the unified federal system, **rather than enacting legislation and eventual regulations that put admittedly legal immigrants under a pall of suspicion.**

### **Conclusion**

We hope that the State Affairs Committee will note the multiple constitutional infirmities with the proposed language in HB 1.

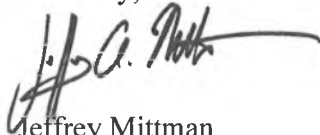
While the ACLU of Alaska **does not contest the State's ability and duty to regulate the safety of our roads**, as drafted, **HB 1 goes far outside this permissible sphere.**

The issues raised above present substantial Constitutional problems and would entangle the state in lengthy, costly, and needless litigation, should HB 1 pass as currently written.

Please feel free to contact the undersigned should you require any additional information. Again, we are happy to reply to any questions that may arise either through written or verbal testimony, or to answer informally any questions which Members of the Committee may have.

Thank you again for the opportunity to share our concerns.

Sincerely,



Jeffrey Mittman  
*Executive Director*  
ACLU of Alaska

cc: Representative Lynn Gattis, [Rep.Lynn.Gattis@akleg.gov](mailto:Rep.Lynn.Gattis@akleg.gov)  
Representative Shelley Hughes, [Rep.Shelley.Hughes@akleg.gov](mailto:Rep.Shelley.Hughes@akleg.gov)  
Representative Doug Isaacson, [Rep.Doug.Isaacson@akleg.gov](mailto:Rep.Doug.Isaacson@akleg.gov)  
Representative Charisse Millett, [Rep.Charisse.Millett@akleg.gov](mailto:Rep.Charisse.Millett@akleg.gov)  
Representative Jonathan Kreiss-Tompkins, [Rep.Jonathan.Kreiss-Tompkins@akleg.gov](mailto:Rep.Jonathan.Kreiss-Tompkins@akleg.gov)

**From:**

**Glenn M. Prax  
1015 Meadow Rue  
North Pole, AK 99705**

**To:**

**The Honorable Wes Keller, Chair  
House Judiciary Committee  
Alaska State House of Representatives  
State Capitol, Room 120  
Juneau, Alaska 99801**

**RE: HB1 "An Act Related to the Issuance of Drivers' Licenses"**

**Chairman Keller;**

**I am writing to encourage the Judiciary Committee to ask the sponsors of HB1 to provide a more compelling case for the public benefits of the bill before scheduling it for committee consideration and public hearing, because it appears to me that HB1 will do little – if anything – to address concerns about 'undocumented aliens' while exposing the public treasury to the potential cost of unproductive litigation and maintaining the state bureaucracy.**

**I have no doubt that this bill is well intended. On the surface, it simply attempts to make the state divers license regulations support national immigration policy and It evokes images of doing something to discourage the hordes of people sneaking across the border with illicit drugs or to take jobs away from Americans.**

**However, HB1 is not targeting that group of people. It literally targets those who take the time to obtain official permission to enter the country (ostensibly for some legitimate purpose) and present that documentation to seek official permission to drive on our roads. Those who don't bother to seek permission to enter the country or surreptitiously overstay their welcome probably either won't bother to obtain a drivers license or will find some way to circumvent the detection mechanism.**

**Furthermore, A license is understood to be revoked if it is used in furtherance of and illegal activity (like being an undocumented alien), so HB1 seems unable to serve a practical purpose.**

**The documentation supporting HB1 on BASIS only states that 37 other states have similar laws. There is no indication of a specific problem that needs to be addressed nor arguments presented to explain how the statutes proposed by HB1 will improve the lives of Alaskans. The fiscal note attached to the bill states that there will be no cost and the Department of Law testified that they found no constitutional issues.**

**However, a more thorough analysis from the ACLU that is also posted on BASIS presents considerable evidence of potential conflicts between this bill and federal immigration law that could lead to litigation,**

especially in the case of foreigners who are in the country for an indeterminate stay. They also observed that it would be difficult to develop regulations to implement the law against someone who is authorized to stay in the country for an indeterminate period of time.

The State Affairs Committee seemed only to be concerned with the bureaucratic mechanics of implementing this bill. They did not consider whether there was a real public need for the bill or whether it would effectively address that need. (The best practice recommendation of an organization of bureaucrats does not constitute a public need.)

Perhaps the DMV will not specifically ask for funding to develop and administer the provisions of this bill, but the administrative cost of implementing any policy change in any large organization is always considerable. It is reasonable to assume at least several weeks of their collective time will be spent on developing and approving the regulations and then performing the necessary training, and there will be an ongoing commitment of additional time to administer the program. The public has already paid a considerable amount to advance this bill through the legislative process. The real cost of implementing this bill could run into the high tens if not hundreds of thousands of dollars.

Furthermore, the legislature must weigh the risk and expense of a legal challenge against any public benefit that might ensue. In the case of HB1, no evidence of any public benefit has been presented; so even if the risk of litigation is low and the probability of prevailing is high, there is no point in risking any public money at least until someone makes a credible case for real and practical public benefit from passing this bill.

As the ACLU pointed out, the purpose of a drivers' license is to enhance motoring safety – not to augment national immigration policy or even to serve as official identification.

An unintended consequence of HB1 is to confuse the purpose of the state drivers' license and move the state of Alaska incrementally closer to efforts to establish a national ID card - which the public and the legislature have previously spoken against.

It also imposes unnecessary hassle on legitimate foreign guests visiting our state without providing practical protection against the perceived ill-effects of undocumented immigration to our country or making our roads any safer.

Therefore, I respectfully ask the Judiciary Committee to ask the sponsors of HB1 to prepare a more compelling case for imposing these regulations on the public to present to the committee, or simply to let the bill die for lack of real need.

For Liberty,

Glenn M. Prax  
907-378-5667

## **Ernest Prax**

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**From:** Stock, Margaret <StockM@LanePowell.com>  
**Sent:** Sunday, February 17, 2013 6:14 PM  
**To:** Ernest Prax  
**Cc:** Jeff Landfield (jeff@texrus.com)  
**Subject:** Statement regarding HB1, Drivers License bill

**Importance:** High

Dear Mr. Prax,

At your request, I am providing the following statement regarding HB1, the new drivers' license bill introduced by Representative Lynn:

**Background:** HB1 adds a new section to Alaska Statute 28.15.101, which deals with drivers' licenses. The bill changes Alaska law so that the Department of Motor Vehicles may issue a drivers' license of less than five years validity to two types of people:

- 1) People who are authorized "to stay in the United States for less than five years" (they get licenses good for varying periods of time, up to but not equaling five years) and
- 2) People whose authorized stay in the United States is "indefinite" (they get licenses good for one year at a time)

The first part of the bill would appear to apply to non-citizens who are given permission by various federal agencies (including Customs and Border Protection, United States Citizenship & Immigration Services, and Immigration & Customs Enforcement) to stay in the United States for periods that are not indefinite but are less than five years. There are more than eighty categories of such people, but they include H2B oilfield and fishing industry workers (given permission to be in Alaska seasonally, so they would presumably have to get a new license every year when they report to work for the season); Treaty NAFTA Canadian workers (they would have to renew their licenses each time they went home to Canada for vacation, when they are given new periods of stay in the United States upon returning); H-1B professional workers (they would have to get a new license every 1-3 years, or whenever they travel outside the US and return); and E-1/E-2 treaty traders or investors (they typically own small businesses in Alaska, and would have to renew their licenses regularly, as their expiration of stay also changes regularly).

The second part of the bill would appear to apply to people who are given permission to stay in the United States for "indefinite" periods (such people include refugees, asylees, lawful permanent residents, and PRUCOL aliens). [Note: There appear to be technical problems with the bill in that people who are given permission to be in the United States for more than five years but not "indefinitely" are treated more favorably than people

who have been given "indefinite" permission to be in the United States, but this issue will likely be resolved by litigation, so I will leave it aside for now. It is also not clear how foreign students are to be treated, as they are admitted "duration of status" and not "indefinitely" and the DMV will presumably have to figure out what to do with them.]

People who fall into Category 1 will apparently be eligible for drivers' licenses good "for the period of the authorized stay." People who fall into Category 2 "shall" be issued licenses "with a validity period of one year." This distinction creates an Equal Protection problem in that persons admitted indefinitely (such as refugees and asylees) are treated in a less favorable manner than persons who are in the United States temporarily in non-immigrant visa status. For example, a Christian Evangelical refugee admitted to the United States indefinitely must get a new license every year, while a China Airlines pilot admitted in E-2 status for three years will be able to get a three-year driver's license, although the refugee is in a Constitutionally protected category and the China Airlines pilot is not.

The bill promises to create significant problems for the Department of Motor Vehicles. Here are some of the problems:

1) The bill would require DMV to become expert in more than eighty different types of non-immigrant and other statuses. People in the different categories are subject to varying rules regarding the length of time they may stay in the United States, and their length of stay can be a moving target, as it is affected by constantly changing US Government policies and regulations, whether their employers file petitions for them, whether they renew or extend their status; whether they travel across borders (a trip to their home country on vacation can trigger a new extension of their period of lawful stay in the United States on their return); whether the President or a Cabinet official issues an Executive Order (Ex: "Temporary Protection Status" for individual countries is extended automatically by announcement in the Federal Register, see <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=848f7f2ef0745210VgnVCM100000082ca60aRCRD&vgnnextchannel=848f7f2ef0745210VgnVCM100000082ca60aRCRD#Countries%20Currently%20Designated%20for%20TPS> (listing countries whose citizens' TPS status has been automatically extended)). The DMV does not currently employ any immigration or citizenship attorneys who can keep up with the constant changes in Federal laws, regulations, and policies that affect the length of time a foreign national is permitted to remain in the United States. However, the DMV will need to do so, to be sure that the DMV can determine that a person's drivers' license expires exactly when the person's status does. Nor has the Legislature appropriated the substantial funds necessary to hire such experts or otherwise to carry out this bill.

2) The bill will lead to expensive litigation. Similar bills in other states have resulted in costly litigation that eventually resulted in changes to the bills and the award of attorneys' fees against the States that passed such legislation. For example, New Hampshire attempted the policy of providing short duration drivers' licenses to persons with "indefinite" status more than seven years ago. The State of New Hampshire was successfully sued in Federal Court by a number of affected plaintiffs, including a Roman Catholic Irish nun, and was forced to change its policy as a result of the lawsuit. Alaska's Constitution (Section 1.3, Civil Rights—"No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin") as well as the Federal Constitution provide fertile ground for a successful lawsuit against this proposed bill. The

sponsors have not provided any report to the legislature on the experience of other States that have enacted similar bills, and in particular, they have not provided a report on the costs to those States of this measure. If they had provided such a report, it would reflect that this bill is a very costly measure.

3) The bill would have the Alaska DMV enforcing Federal immigration law. At a time when the enforcement of Federal laws by Alaska State agencies is controversial, it is perplexing that allegedly Conservative Alaska legislators want to expend State energy and resources enforcing a very complicated area of Federal law that has been likened to "King Minos's labyrinth in ancient Crete." Why not also enforce Federal tax laws or gun laws at the DMV?

4) The impact of the bill will mostly fall on Alaskan businesses, foreign workers, foreign students, and refugees/asylees. Although the bill's sponsors may have meant to deny driver's licenses to unauthorized immigrants, Alaska has a very tiny population of unauthorized immigrants compared to the rest of the United States. A recent study (released by the Center for Migration Studies in February 2013) indicates that Alaska's unauthorized immigrant population is less than 5000 people, and most of these unauthorized immigrants do not drive (a large number are children, elderly, or the widows/widowers or relatives (including battered spouses) of American citizens who have failed to file the correct immigration paperwork for them). Accordingly, 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 to DMV employees who will be unable to comprehend all the different immigration statuses. Alaskan employers who hire foreign workers will be lining up to complain about this bill, as will the faith-based community (which often sponsors refugees and asylees) and the University system. Experiences in other States with similar laws have not been positive. Laws like HB1 have created chaos at the DMVs and have also created "full employment for immigration lawyers." Colorado passed a similar bill, and I am aware of a law firm in Colorado that now has an attorney whose job is to go to the DMV with foreign clients—it is a good job for the lawyer, but expensive for the clients and the businesses that employ them. I separately provided you with a statement from a foreign worker in Tennessee who has had very bad experiences at the Tennessee DMV after Tennessee passed a similar law.

5) The bill's sponsor, Rep. Lynn, appears to misunderstand what the bill does. In a statement posted on his website, Rep. Lynn states that "Under current law, an alien visiting the United States with a visa that expires in two weeks could get an Alaska drivers license that doesn't expire for five years. This bill links the duration of the driver's license to the duration of the visa, or any other legal presence document." See Rep. Lynn's statement, found at <http://housemajority.org/spon.php?id=28hb1>. This statement demonstrates that Rep. Lynn does not understand what a "visa" is and he is also unfamiliar with the modern system of determining legal presence, which often does not result in a person being given a single document with an expiration date on it. A "visa" is a travel document; it does not necessarily determine how long a person can remain in the United States. The US Government regularly issues ten-year B-1/B-2 visitor's visas to foreign nationals; having an unexpired ten-year B-1/B-2 visa in one's passport does not mean that a person can stay in the United States for ten years, however; when the person arrived at a US airport, a Customs & Border Protection agent may have given the person permission to stay in the United States for only two weeks. Conversely, a person may have an expired visa in his or her passport and be in valid status in the United States; typically, for example, a foreign student attending the University of Alaska who has not been outside the United States in three or four years will have an expired visa, but having been admitted "duration of status" to the United States, will be in valid status as long as he or she is attending classes. Moreover, it is often difficult for people to demonstrate with a single

document when their period of stay in the United States will end, as the US Government has increasingly resorted to electronic means to determine status expiration. 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 foreign workers. Moreover, the Federal Government has no plans to give DMV access to these databases. Because of the complexity of federal immigration laws, it can often take an expert immigration lawyer or a federal law enforcement official more than an hour to figure out—in an individual case—when a person's status is due to expire. A person can also automatically change the expiration date of his or her status by filing paperwork with federal immigration authorities or by making a brief trip outside the United States, which complicates matters even more.

In short, this is a bad bill that was not researched before it was introduced. It will cost Alaska's taxpayers a lot of money to implement this bill, and the bill is unfriendly to Alaska businesses. I trust that this brief summary of the issues relating to HB1 will encourage my legislators in Juneau to defeat this bill. At a time when citizens are calling for a reduction in state spending, it seems ill-advised to be passing such expensive new legislation, particularly when no one has yet identified the problem that this legislation purports to solve. Taking on the expensive new task of asking the Department of Motor Vehicles to enforce complex Federal laws such as the immigration laws seems to me to be a recipe for disaster. It is certainly not a Conservative approach to state government.

Please let me know if you have further questions. For purposes of identification, I am a lawyer, a registered Republican voter, and a recognized expert on drivers' license issues (I have testified in Federal court on state driver's license issues). I also represent numerous Alaska businesses who employ foreign workers who will be harmed by this bill.

Sincerely,

Margaret Stock

**Margaret Stock**



Counsel to the Firm, [Bio](#) | [VCard](#)  
Lane Powell LLC  
301 West Northern Lights Boulevard, Suite 301  
Anchorage, AK 99503-2648  
Direct: 907.264.3323  
Cell: 907.223.6297  
[www.lanepowell.com](http://www.lanepowell.com)

## **Witness List**

### **HB 1 Driver's License House Judiciary Committee**

#### **Available On-Line for Questions**

Amy Erikson, Director of Alaska DMV  
(907)269-5551

Shelly Mellott, Deputy Director of Alaska DMV  
(907)269-5551

Erling Johansen, Assistant Attorney General  
(907)269-5100

Dean Wauson, Supervisory Special Agent  
Immigration and Customs Enforcement (ICE)  
(907)271-3105

Kathleen Strasbaugh, Attorney, Legislative Legal Services  
(907)465-3867