

H.F. No. 4 – Driver’s license and identification card eligibility (1st unofficial engrossment)

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H.F. 4 amends requirements relating to obtaining a noncompliant driver’s license or ID card. A noncompliant driver’s license or ID card is a license or card that does not comply with the federal REAL ID requirements, enhanced driver’s license, or enhanced ID card requirements. This bill eliminates the requirement that an applicant demonstrate US citizenship or lawful presence in the US when applying for a noncompliant driver’s license or ID card.

Article 1 – Driver’s Licenses and Identification Cards

Section 1 [Temporary lawful admission] amends a section on issuing driver’s licenses with a temporary lawful admission status to apply to REAL ID compliant licenses.

Section 2 [Contents of application; other information] eliminates the need to certify that an applicant does not have a Social Security number, but leaves in place the requirement that the applicant make a statement to that effect, if applicable.

Section 3 [Noncompliant license or identification card; residence, lawful status] requires a person who applies for a noncompliant driver’s license or ID card to attest to residence in the state. The applicant is not required to demonstrate US citizenship or lawful presence in the US.

Section 4 [Noncompliant license or identification card; general requirements] requires documents submitted with an application for a noncompliant driver’s license or ID card to include certain information. Requires the commissioner of public safety to establish a waiver process for the requirements of **sections 5 and 6**. Prohibits using the same document as both a primary and secondary document.

Section 5 [Noncompliant license or identification card; primary documents] provides for additional types of primary documents that may be used when applying for a noncompliant driver’s

license or ID card. This is in addition to primary documents provided for in current administrative rules.

Section 6 [Noncompliant license or identification card; secondary documents] provides for additional types of secondary documents that may be used when applying for a noncompliant driver's license or ID card. This is in addition to primary documents provided for in current administrative rules.

Section 7 [License; contents and design] and **Section 8 [Identification card; content and design; fee]** prohibit noncompliant driver's licenses and ID card from including any indication of the cardholder's lawful presence. Specifies that the requirement to mark licenses and ID cards as "temporary" only applies to REAL ID cards.

Section 9 [Restrictions on use] prohibits a state agency or political subdivision from using the possession of a noncompliant license or ID card as evidence of a person's citizenship or lawful presence or the primary basis for investigation, detention, or arrest.

Section 10 [Appropriation] makes a blank appropriation from the general fund to the commissioner of public safety to implement the requirements of this bill. This section is effective the day following final enactment.

Section 11 [Repealer] repeals a subdivision that prohibits the commissioner of public safety from adopting rules relating to identification requirements when applying for a driver's license or ID card.

Section 12 [Effective date] provides an effective date of October 1, 2023, unless otherwise provided.

Article 2 - Data Practices

Section 1 [Noncompliant license or identification card; lawful status] amends Chapter 13, the Minnesota Government Data Practices Act by making a conforming change related to the substantive changes made under **section 7**.

Section 2 [Review and audit of subscription services] requires an independent audit of compliance with the certification requirement under **section 5**.

Section 3 [Privacy of data] requires a certification for any disclosure of data pursuant to a federal law related to noncompliant licenses or ID cards.

Section 4 [Disclosure of personal information] provides that the current mandatory disclosure of personal information related to the operation of a motor vehicle or public safety does not include "immigration status data." This section also prohibits the secretary of state from further disseminating data on individuals related to noncompliant licenses and ID cards, except to administer elections or to update voter addresses.

Section 5 [Data privacy; noncompliant license or identification card] requires that any person who receives data on individuals relating to noncompliant licenses and ID cards certify that they will not use the data for civil immigration purposes and provides that violations of the certification are subject to the penalties and remedies under Chapter 13.

Section 6 [Driving record disclosure to law enforcement] provides that the current mandatory disclosure of driving records to law enforcement must not include “immigration status data.”

Section 7 [Certain data on noncompliant license or identification card; department and agents] defines “immigration status data” as data indicating or having the effect of identifying US citizenship or lawful presence; classifies the data as private data on individuals; and prohibits the commissioner of public safety or a driver’s license agent from disseminating the data except to or within the division administering driver licensing and to the secretary of state for improving voter registration record accuracy. The commissioner or driver’s license agent may share data other than immigrant status data as required by state or federal law to a state or federal entity if the receiving entity does not use the data for civil immigration enforcement purposes. The commissioner or driver’s license agent may only share data with a federal government entity that primarily enforce immigration laws pursuant to a valid search warrant or court order. Violations are subject to the penalties and remedies provided under Chapter 13.