

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

**Authors** Gomez and others

**Analyst** Matt Burress (matt.burress@house.mn.gov) (Article 1)  
Nathan Hopkins (Article 2)

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## Overview

This bill broadens the eligibility for a traditional Minnesota driver's license or identification card so that proof of citizenship or lawful presence is no longer required. It also makes a variety of related and conforming changes, including to:

- expand the set of documents that can be used to establish identity and residency when applying for a license or identification card;
- prevent marking on the license or identification card that is related to demonstration of lawful presence;
- allow the Department of Public Safety to be able to undertake administrative rulemaking on driver's licenses and identification cards (by repealing a rulemaking limitation);
- establish various limitations on data sharing related to application and issuance of driver's licenses and identification cards; and
- appropriate funds for implementation costs, in an amount to be determined.

## Article 1: Driver's Licenses and Identification Cards

This article makes changes related to traditional or "noncompliant" driver's licenses and Minnesota identification cards. These are a type of license and identification card that does not fully comply with the federal REAL ID Act (and therefore cannot be used for some federal access purposes). The article expands eligibility so that proof of citizenship or lawful U.S. presence is not required to obtain the license or identification card, adds to the list of documents that can be used in the application process to prove identity (building on document lists that have been established in administrative rules), restricts card marking, makes appropriations, and eliminates a restriction on rulemaking.

**Section Description – Article 1: Driver’s Licenses and Identification Cards**

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**1 Temporary lawful admission.**

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

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

Revises requirements for an applicant to provide a Social Security number in some circumstances. Restricts the application form and the department from collecting or seeking information about an applicant’s citizenship, immigration status, or lawful presence status.

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

Paragraph (a) establishes that a person may obtain a traditional driver’s license or Minnesota identification card (i.e., a “noncompliant” one that does not fully comply with REAL ID Act requirements) without showing proof of legal presence in the United States, and requires that the applicant attest to having a residence in Minnesota.

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

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

Sets various requirements for traditional licenses and ID cards, including on legibility, certification, translation, and name change documentation (for documents that are being added in the bill as acceptable to demonstrate identity). Requires a waiver process. Prevents reuse of a document as both primary and secondary. Defines terms.

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

Makes additional forms of documentation permissible to be used as *primary* documents to prove identity for noncompliant license and identification card applications. (This is in addition to documents currently specified in administrative rules.) The added documents consist of: (1) a foreign passport; (2) a consular identification card; (3) a certified foreign birth certificate; and (4) a certified foreign adoption certificate.

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

Makes additional forms of documentation permissible to be used as *secondary* documents to prove identity for noncompliant license and identification card

**Section Description – Article 1: Driver’s Licenses and Identification Cards**

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- applications. (This is in addition to documents currently specified in administrative rules.)
- 7      **License; contents and design.**  
Prohibits any marking or design indications on a driver’s license that relate to the license holder’s lawful presence. Makes technical changes, including to clarify that marking the documents as temporary only applies to REAL ID compliant licenses.
- 8      **Identification card; content and design; fee.**  
Prohibits any marking or design indications on a Minnesota identification card that relate to the card holder’s lawful presence. Makes technical changes, including to clarify that marking the documents as temporary only applies to REAL ID compliant identification cards.
- 9      **Restrictions on use.**  
Prohibits using traditional driver’s license or ID card as evidence of legal presence or as the primary basis for investigation, detention, or arrest.
- 10     **Appropriation.**  
Appropriates a total of nearly \$2.9 million from the vehicle services operating account for fiscal years 2024-25 to the Department of Public Safety for implementation, as a onetime appropriation. Revises the base. Effective the day after enactment.
- 11     **Repealer.**  
Repeals a prohibition on Department of Public Safety rulemaking. The prohibition currently prevents the department from modifying administrative rules related to driver’s licenses and Minnesota identification cards (including on documentation of identity and residency, duplicate licenses and cards, and variances).
- 12     **Effective date.**  
Makes the bill effective October 1, 2023.

**Article 2: Data Protections**

This article provides for data protections related to applicants and driver’s license and identification card holders who have not demonstrated lawful presence in the United States.

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

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- 1 Noncompliant license or identification card; lawful status.**  
Makes a technical change, to create a cross reference in the chapter on data practices to the data provisions being established in the bill.
- 2 Application and record, when destroyed.**  
Requires that a document related to demonstration of identity for a noncompliant license and identification card application be destroyed within 14 days after determining its validity.
- 3 Disclosure of personal information.**  
Establishes that mandatory driver’s license and identification data disclosure for public safety does not authorize disclosure of data that is otherwise restricted in relation to whether or not a person has demonstrated lawful presence (as provided in section 6) for a traditional driver’s license or identification card.  
  
Also authorizes the secretary of state to disseminate information protected under the bill for the purpose of election administration.
- 4 Data privacy; noncompliant license or identification card.**  
Requires that any person who receives data on individuals relating to noncompliant licenses and identification cards certify that they will not use the data for civil immigration purposes. Applies penalties and remedies under the Data Practices Act for violations of the certification.
- 5 Driving record disclosure to law enforcement.**  
Prevents driving record data disclosure to law enforcement agencies if restricted in relation to whether or not a person has demonstrated lawful presence (as provided in section 6) for a traditional driver’s license or identification card.
- 6 Certain data on noncompliant license or identification card; department and agents.**  
Prohibits the Department of Public Safety as well as driver’s license agents from disclosing data related to an applicant’s or license or card holder’s demonstration of citizenship or lawful presence in the United States. Such data includes name, address, photograph, and other data specified in paragraph (c). Also prohibits dissemination of this data to various third parties under subdivision 7 of section 171.12, as well as to federal, state, and local government entities. Specifies that violation of these data-sharing restrictions constitutes a violation of the government Data Practices Act and is subject to penalties and remedies under that chapter.



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