

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

1

SENATE BILL 419

Short Title: Increased Security For Drivers Licenses. (Public)

Sponsors: Senators Berger of Rockingham; Allran, Apodaca, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Horton, Hunt, Jacumin, Pittenger, Presnell, Smith, Tillman, and Webster.

Referred to: Judiciary I.

March 7, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE INCREASED SECURITY FOR DRIVERS LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b1) of G.S. 20-7 reads as rewritten:

"(b1) Application. – To obtain an identification card, learners permit, or drivers license from the Division, a person shall complete an application form provided by the Division, present at least two forms of identification approved by the Commissioner, be a resident of this State, and, except for an identification card, demonstrate his or her physical and mental ability to drive safely a motor vehicle included in the class of license for which the person has applied.

At least one of the forms of identification shall indicate the applicant's residence address. At least one of the forms of identification shall contain evidence that the applicant is either a citizen of the United States or is an alien lawfully admitted for permanent or temporary residence in the United States.

The Division may copy the identification ~~documents~~ presented ~~or~~ and hold ~~it~~ those documents for a brief period of time to verify ~~its~~their authenticity.

If required by federal law, the Division shall copy the identification documents presented and hold those copies for at least seven years.

To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to drive safely the type of motor vehicle for which the endorsement is required.

The application form shall request all of the following information, and it shall contain the disclosures concerning the request for an applicant's social security number required by section 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

- (1) The applicant's full name.
- (2) The applicant's mailing address and principal residence address.
- (3) A physical description of the applicant, including the applicant's sex, height, eye color, and hair color.

- 1 (4) The applicant's date of birth.
- 2 (5) The applicant's valid social security ~~number~~account number or
3 verification that the person is not eligible for a social security account
4 number.
- 5 (6) Valid documentary evidence that the person:
- 6 a. Is a citizen of the United States.
- 7 b. Is an alien lawfully admitted for permanent or temporary
8 residence in the United States.
- 9 c. Has conditional permanent residence status in the United States.
- 10 d. Has an approved application for asylum in the United States or
11 has entered into the United States in refugee status.
- 12 e. Has a valid, unexpired nonimmigrant visa or nonimmigrant
13 status for entry into the United States.
- 14 f. Has a pending application for asylum in the United States.
- 15 g. Has a pending approved application for temporary protected
16 status in the United States.
- 17 h. Has approved deferred action status.
- 18 i. Has a pending application for adjustment of status to that of an
19 alien lawfully admitted for permanent residence in the United
20 States or conditional permanent resident status in the United
21 States.

22 ~~(6)~~(7) The applicant's signature.

23 ~~If an applicant does not have a valid social security number and is ineligible to~~
24 ~~obtain one, the applicant shall swear to or affirm that fact under penalty of perjury. In~~
25 ~~such case, the applicant may provide a valid Individual Taxpayer Identification Number~~
26 ~~issued by the Internal Revenue Service to that person.~~

27 The Division shall not issue an identification card, learners permit, or drivers license
28 to an applicant who fails to ~~provide either the applicant's valid social security number or~~
29 ~~the applicant's valid Individual Taxpayer Identification Number~~comply with the
30 requirements of subdivisions (1) through (7) of this subsection.

31 The Division shall not accept any foreign document, other than an official passport,
32 to satisfy the requirements of this subsection.

33 Before issuing a drivers license or identification card to a person, the Division shall
34 verify, with the issuing agency, the issuance, validity, and completeness of each
35 document required to be presented by the person pursuant to this subsection.

36 This verification requirement shall be accomplished by the Commissioner entering
37 into a memorandum of understanding with the Secretary of Homeland Security to
38 routinely use the automated system known as Systematic Alien Verification for
39 Entitlements, as provided for by section 404 of the Illegal Immigration Reform and
40 Immigrant Responsibility Act of 1996 (110 Stat. 3009-664), to verify the legal presence
41 status of a person, other than a United States citizen, applying for a drivers license or an
42 identification card.

1 Each year the Division shall submit to the Governor and to the General Assembly a
2 report detailing the numbers and types of drivers licenses applications issued and denied
3 pursuant to this section."

4 **SECTION 2.** G.S. 20-7(b3) reads as rewritten:

5 "(b3) The Division shall adopt rules implementing the provisions of subsection (b1)
6 of this section with respect to proof of residency in this State. Those rules shall ensure
7 that applicants submit verified or verifiable residency and address information that can
8 be reasonably considered to be valid and that is provided on any of the following:

- 9 (1) A document issued by an agency of the United States ~~or by the~~
10 ~~government of another nation.~~ States.
- 11 (2) A document issued by another state.
- 12 (3) A document issued by the State of North Carolina, or a political
13 subdivision of this State. This includes an agency or instrumentality of
14 this State.
- 15 (4) A preprinted bank or other corporate statement.
- 16 ~~(5) A preprinted business letterhead.~~
- 17 ~~(6) Any other document deemed reliable by the Division."~~

18 **SECTION 3.** G.S. 20-7(b4) reads as rewritten:

19 "(b4) Examples of documents that are reasonably reliable indicators of residency
20 and principal residence include, but are not limited to, any of the following:

- 21 (1) A pay stub with the payee's address.
- 22 (2) A utility bill showing the address of the applicant-payor.
- 23 (3) A contract for an apartment, house, modular unit, or manufactured
24 home with a North Carolina address signed by the applicant.
- 25 (4) A receipt for personal property taxes paid.
- 26 (5) A receipt for real property taxes paid to a North Carolina locality.
- 27 (6) A current automobile insurance policy issued to the applicant and
28 showing the applicant's address.
- 29 (7) A monthly or quarterly financial statement from a North Carolina
30 regulated financial institution.
- 31 ~~(8) A matricula consular or substantially similar document issued by the~~
32 ~~Mexican Consulate for North Carolina.~~
- 33 ~~(9) A document similar to that described in subsection (8) of this section,~~
34 ~~issued by the consulate or embassy of another country. This~~
35 ~~subdivision only applies if the Division has consulted with the United~~
36 ~~State Department of State and is satisfied with the reliability of such~~
37 ~~document."~~

38 **SECTION 4.** G.S. 20-7(b5) reads as rewritten:

39 "(b5) The Division rules adopted pursuant to subsection (b3) of this section shall
40 also provide that if ~~ana~~ minor applicant cannot produce any documentation specified in
41 subsection (b3) or (b4) of this section, ~~the applicant, or in the case of a minor applicant~~
42 a parent or legal guardian of the minor applicant, may complete an affidavit, on a form
43 provided by the Division and sworn to before an official of the Division, indicating the
44 minor applicant's current residence address. No parent or guardian who does not have a

1 valid drivers license or valid identification card or who has obtained their drivers license
2 by affidavit may subsequently complete an affidavit for a minor applicant unless that
3 parent provides satisfactory documentation of residence and citizenship as required by
4 this section. The affidavit shall contain the provisions of ~~G.S. 20-15(a) and~~
5 ~~G.S. 20-17(a)(5)~~ G.S. 20-15(a), 20-17(a)(5), and 20-31, and shall indicate the civil and
6 criminal penalties for completing a false affidavit."

7 **SECTION 5.** G.S. 20-7(f) reads as rewritten:

8 "(f) Expiration and Temporary License. – The first drivers license the Division
9 issues to a person expires on the person's fourth or subsequent birthday that occurs after
10 the license is issued and on which the individual's age is evenly divisible by five, unless
11 this subsection sets a different expiration date. A first drivers license ~~may~~ shall be
12 issued for a shorter duration if the Division determines that a license of shorter duration
13 should be issued when the applicant holds to expire upon the expiration date of a visa of
14 limited duration issued by the United States Department of State of Homeland Security.
15 The first drivers license the Division issues to a person who is at least 17 years old but is
16 less than 18 years old expires on the person's twentieth birthday. The first drivers
17 license the Division issues to a person who is at least 62 years old expires on the
18 person's birthday in the fifth year after the license is issued, whether or not the person's
19 age on that birthday is evenly divisible by five.

20 A drivers license that was issued by the Division and is renewed by the Division
21 expires five years after the expiration date of the license that is renewed unless the
22 Division determines that a license of shorter duration ~~should~~ shall be issued to expire on
23 the expiration date of a valid alien registration when the applicant holds a ~~visa~~ valid
24 alien registration of limited duration from the United States Department of State.
25 Homeland Security. A person may apply to the Division to renew a license during the
26 180-day period before the license expires. ~~The Division may not accept an application~~
27 ~~for renewal made before the 180 day period begins.~~ Any license issued to a noncitizen
28 shall automatically expire when the applicant's presence is no longer authorized under
29 federal law. The expiration date on the license shall reflect the expiration date of the
30 applicant's authorized presence in the United States as verified by the United States
31 Department of Homeland Security.

32 The Division may renew by mail a drivers license issued by the Division to a person
33 who meets any of the following descriptions:

- 34 (1) Is serving on active duty in the armed forces of the United States and
35 is stationed outside this State.
36 (2) Is a resident of this State and has been residing outside the State for at
37 least 30 continuous days.

38 When renewing a license by mail, the Division may waive the examination that
39 would otherwise be required for the renewal and may impose any conditions it finds
40 advisable. A license renewed by mail is a temporary license that expires 60 days after
41 the person to whom it is issued returns to this State.

42 Except for an applicant providing a verified social security account number, the
43 Division shall, if all other requirements of this section are met, issue a temporary license
44 valid for 10 days to the applicant and shall mail the drivers license to the applicant, by

1 first-class mail, at the address provided by the applicant. If during the 10-day period the
2 Division is unable to verify the information provided by the applicant pursuant to this
3 section, the Division may, in its sole discretion, issue and send to the applicant another
4 temporary license valid for an additional 10 days."

5 **SECTION 6.** G.S. 20-7(n) reads as rewritten:

6 "(n) Format. – A drivers license issued by the Division ~~must~~shall be tamperproof
7 and ~~must~~shall contain all of the following information:

8 (1) An identification of this State as the issuer of the license.

9 (2) The license holder's full name.

10 (3) The license holder's principal residence address.

11 (4) A digital color photograph of the license holder, taken by the Division.

12 (5) A physical description of the license holder, including sex, height, eye
13 color, and hair color.

14 (6) The license holder's date of birth.

15 (7) An identifying number for the license holder assigned by the Division.

16 The identifying number may not be the license holder's social security
17 number.

18 (8) Each class of motor vehicle the license holder is authorized to drive
19 and any endorsements or restrictions that apply.

20 (9) The license holder's signature.

21 (10) The date the license was issued and the date the license expires.

22 (11) Physical security features designed to prevent tampering,
23 counterfeiting, or duplication of the document for fraudulent purposes.

24 (12) A common machine-readable technology, with defined minimum data
25 elements.

26 The Commissioner may waive the requirement of a color digital photograph on a
27 license if the license holder proves to the satisfaction of the Commissioner that taking
28 the digital photograph would violate the license holder's religious convictions. In taking
29 digital photographs of license holders, the Division ~~must~~shall distinguish between
30 license holders who are less than 21 years old and license holders who are at least 21
31 years old by using different color backgrounds or borders for each group. The Division
32 shall determine the different colors to be used.

33 At the request of an applicant for a drivers license, a license issued to the applicant
34 ~~must~~shall contain the applicant's race."

35 **SECTION 7.** G.S. 20-7 is amended by adding a new subsection to read:

36 "(s) Other requirements. – The Division shall:

37 (1) Employ technology to capture digital images of identity source
38 documents so that the images can be retained in electronic storage in a
39 transferable format.

40 (2) Retain paper copies of source documents for a minimum of seven
41 years or digital images of source documents for a minimum of 10
42 years.

43 (3) If required by federal law, subject each person applying for a drivers
44 license or identification card to mandatory facial image capture.

- 1 (4) Establish an effective procedure to confirm or verify a renewing
2 applicant's information.
- 3 (5) Confirm with the Social Security Administration a social security
4 account number presented by an applicant using the full social security
5 account number. In the event that a social security account number is
6 already registered or associated with another person to whom any State
7 has issued a drivers license or identification card, the Division shall
8 resolve the discrepancy and take appropriate action.
- 9 (6) Refuse to issue a drivers license or identification card to a person
10 holding a drivers license issued by another state without confirmation
11 that the person is terminating or has terminated the drivers license.
- 12 (7) Ensure the physical security of locations where drivers licenses and
13 identification cards are produced and the security of document
14 materials and papers from which drivers licenses and identification
15 cards are produced.
- 16 (8) Subject all persons authorized to manufacture or produce drivers
17 licenses and identification cards to appropriate security clearance
18 requirements.
- 19 (9) Establish fraudulent document recognition training programs for
20 appropriate employees who engage in the issuance of drivers licenses
21 and identification cards.
- 22 (10) Limit the period of all drivers licenses and identification cards that are
23 not temporary to a period that does not exceed eight years.
- 24 (11) In any case in which the State issues a drivers license or identification
25 card that does not satisfy the requirements of this subsection, ensure
26 that the license or identification card:
 - 27 a. Clearly states on its face that it may not be accepted by any
28 federal agency for any official purpose.
 - 29 b. Uses a unique design or color indicator to alert the federal
30 agency or other law enforcement personnel that it may not be
31 accepted for any official purpose."

32 **SECTION 8.** Article 1A of Chapter 20 of the General Statutes is amended
33 by adding a new section to read:

34 "§ 20-44.31. Driver license agreement database.

35 In exercising the power granted to the Commissioner in G.S. 20-4.4, the
36 Commissioner shall ensure that the State participates in the interstate compact regarding
37 the sharing of driver license data known as the 'Driver License Agreement.' To comply
38 with this mandate, the driver license database in this State shall contain, at a minimum,
39 all of the following information:

- 40 (1) All data fields printed on drivers licenses and identification cards
41 issued by the Division.
- 42 (2) Motor vehicle driver histories, including motor vehicle violations,
43 suspensions, and points on licenses."

44 **SECTION 9.** This act becomes effective January 1, 2006.