

HOUSE No. 4488

Section 54 contained in the engrossed Bill making appropriations for the fiscal year 2017 (see House, No. 4450), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment G of House, No. 4505). July 11, 2016.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the federal REAL ID law.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the federal REAL ID law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 8 of said chapter 90 of the General Laws is hereby amended by
2 striking out the last 4 paragraphs, as most recently amended by section 17 of chapter 52 of the
3 acts of 2016, and inserting in place thereof the following 6 paragraphs:—

4 A license or any renewal thereof issued to an operator shall be valid from the date of
5 issue and shall expire on a date to be determined by the registrar which shall be not more than 60
6 months from the date of issue, provided, however, that the registrar may authorize a 1-year
7 extension of the period of license validity for a licensee who has undergone medical treatment
8 for an illness resulting in temporary changes to the physical characteristics of the applicant that
9 would be apparent in an image captured by the registrar, as authorized in this section and section

10 8E. For the purposes of this section, a license issued to an operator born on February 29 shall
11 expire on March 1. An applicant for renewal of a license who is 75 years of age or older shall
12 apply for renewal in person at a registry branch office.

13 Applications for licenses shall be in such form as may be prescribed by the registrar and
14 shall be signed by the applicant under oath. Only a resident of the commonwealth shall be
15 eligible to apply for a driver's license issued by the registrar. If an applicant is under 18 years of
16 age, the application shall be accompanied by the written consent, in such form as the registrar
17 shall determine, of a parent or guardian or other person standing in place of a parent of the
18 applicant. The photograph or facial image of the applicant required to be made a part of any
19 license issued by this section shall be retained with the application for the period of time required
20 by regulations of the registrar even if a driver's license has not been issued.

21 The registrar shall issue more than 1 type of license which shall be in such form and type
22 as may be prescribed by the registrar. The registrar shall issue 1 type of license that is compliant
23 with the REAL ID Act. An applicant for a license shall provide documentation and demonstrate
24 qualifications acceptable to the registrar. REAL ID-compliant licenses shall be suitable for
25 federal identification purposes and shall be so marked. The registrar shall also issue a
26 Massachusetts license to an applicant who provides documentation and demonstrates
27 qualifications acceptable to the registrar. A Massachusetts license shall not be used for federal
28 identification purposes and shall be so marked. No REAL ID-compliant license shall be issued to
29 a person who fails to provide proof of lawful presence; provided, however, that United States
30 citizens and other persons who provide proof of lawful presence may elect to apply for either a
31 REAL ID-compliant license or a Massachusetts license.

32 The registrar may issue a REAL ID-compliant license or a Massachusetts license for a
33 term of less than 60 months to a resident of the commonwealth who is lawfully present in the
34 United States for a period of at least 12 months; provided, however, that the expiration date of
35 any such license shall be coterminous with the expiration date of the licensee's authorized stay in
36 the United States, as evidenced by acceptable documents or information provided to the registrar.
37 If a licensee is authorized to stay in the United States for at least 12 months but lacks acceptable
38 evidence of a specific date by which such stay in the United States shall be terminated, a license
39 issued shall expire not later than 12 months from the date of issue. No license of less than 60
40 months in duration shall be renewed unless the license holder provides documentation
41 satisfactory to the registrar that the license holder is authorized to remain in the United States.
42 Any such license shall have an expiration date coterminous with the expiration of the authorized
43 stay. All licenses issued for less than 60 months in duration shall be marked as temporary.

44 An applicant for a license under this section shall be required to answer questions on the
45 examination to determine the applicant's knowledge of the laws regarding operating a motor
46 vehicle while under the influence of alcoholic beverages or drugs or while sending or receiving
47 electronic messages which shall include the relevant sections of this chapter, chapter 94C and
48 chapter 138. The registrar shall determine the nature and number of such questions.

49 An applicant for a license or renewal thereof appearing in person at a registry branch
50 shall take and pass a vision test administered by the registry; provided, however, that except as
51 required by the registrar by regulation, an applicant may provide a vision screening certificate,
52 signed by an optometrist or ophthalmologist, to demonstrate compliance with the minimum
53 visual standards to obtain and hold a license. The vision screening certificate shall not be
54 deemed invalid by the registrar solely because it contains an electronic signature.

SECTION 2. This act shall take effect as of July 1, 2016.