

# SENATE . . . . . No. 2488

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Senate, May 24, 2016 – Text of amendment (1129) (offered by Senator Tarr) to the Ways and Means amendment (Senate, No. 4) to the House Bill making appropriations for the fiscal year 2017 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements.

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## The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
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1 by inserting after section \_\_ the following new section:-

2 “SECTION \_\_. Section 1 of chapter 90 of the General Laws, as appearing in the 2014  
3 Official Edition, is hereby amended by inserting after the definition of “Killed in action”, the  
4 following definition:-

5 “Lawful status” shall have the same meaning as defined in 6 CFR §37.3.

6 "Lawful presence" in the United States shall mean persons who have (1) "lawful status"  
7 and or (2) such other persons as provide documentation of lawful presence in the United States  
8 satisfactory to the registrar, in consultation with the Department of Homeland Security.

9 SECTION \_\_. Said section 1 of said chapter 90, as so appearing, is hereby further  
10 amended by inserting after the definition of “Police officer” or “officer”, the following 2  
11 definitions:-

12 “REAL ID Act”, the REAL ID Act of 2005, as codified at 49 U.S.C. Section 30301.

13           “REAL ID-compliant license or identification card”, a license or identification card  
14 issued in compliance with the standards established by the U.S. Department of Homeland  
15 Security at 6 CFR Part 37.

16           SECTION \_\_. Section 2 of said chapter 90, as so appearing, is hereby amended by  
17 striking out the sixth sentence and inserting in place thereof the following sentence:–

18           Except as otherwise provided in this chapter, no registration shall be issued to a natural  
19 person for a motor vehicle or trailer unless such person holds a license, identification card issued  
20 under section 8E, social security number issued by Social Security Administration or proof of  
21 lawful status as defined in 6 CFR §37.3 and section 1 of this chapter; provided, however, that the  
22 registrar shall provide by regulation for certain exemptions from these registration requirements,  
23 as applicable, for non-resident out-of-state students, certain military personnel, senior citizens  
24 and disabled persons; provided, further, that the registrar may provide by regulation additional  
25 exemptions which shall be consistent with this section.

26           SECTION \_\_. Section 8 of said chapter 90, as so appearing, is hereby amended by  
27 striking out the last 4 paragraphs and inserting in place thereof the following 7 paragraphs:–

28           A license or any renewal thereof issued to an operator shall be valid from the date of  
29 issuance and shall expire on a date to be determined by the registrar which may not be more than  
30 60 months from the date of issue, provided that the registrar may authorize a 1-year extension of  
31 the period of license validity for a licensee who has undergone medical treatment for an illness  
32 resulting in temporary changes to the physical characteristics of the applicant that would be  
33 apparent in an image captured by the registrar, as authorized by chapter 432 of the acts of 2014.

34           The license issued to an operator born on February 29 shall, for the purpose of this section,

35 expire on March 1. An applicant for the renewal of a license 75 years of age or older shall apply  
36 for a renewal in person at a registry branch office.

37 Applications for licenses shall be in such form as may be prescribed by the registrar and  
38 shall be signed by the applicant under oath. Only a resident of Massachusetts is eligible to apply  
39 for a driver's license issued by the registrar. If the applicant is under age 18, the application shall  
40 be accompanied by the written consent, in such form as the registrar shall determine, of a parent  
41 or guardian or other person standing in place of a parent of the applicant. The photograph or  
42 facial image of the applicant required to be made a part of any license issued by this section shall  
43 be retained for the period required by regulations of the registrar even if a driver's license is not  
44 issued.

45 The registrar may issue more than one type of license, in such form and type as may be  
46 prescribed by the registrar. The registrar shall issue one type of license that is compliant with the  
47 provisions of the REAL ID Act. An applicant for such license shall provide documentation and  
48 demonstrate qualifications acceptable to the registrar. Massachusetts REAL ID-compliant  
49 licenses shall be suitable for federal identification purposes and shall be so marked. The registrar  
50 may also issue a Massachusetts license to an applicant who provides documentation and  
51 demonstrates qualifications acceptable to the registrar. A Massachusetts license may not be used  
52 for federal identification purposes and shall be so marked.

53 No license of any type may be issued to a person who does not have lawful status in the  
54 United States; provided, however, that licenses that exist as of the effective date of this  
55 paragraph may be renewed as Massachusetts licenses without the license holder providing proof  
56 of lawful status or the expiration date of an authorized stay.

57           The registrar may issue a license of any type for a term of less than 60 months to a  
58 resident of Massachusetts who has lawful status in the United States for a period of at least 12  
59 months, provided that the expiration date of such a license shall be coterminous with the  
60 expiration date of the licensee's authorized stay in the United States, as evidenced by acceptable  
61 documents or information provided to the registrar. If said licensee is authorized to stay in the  
62 United States for at least 12 months but lacks acceptable evidence of a specific date by which  
63 such stay in the United States shall be terminated, any license issued shall expire not later than  
64 12 months from the date of issue. No license of less than 60 months in duration can be renewed  
65 unless the license holder provides documentation satisfactory to the registrar that he or she is  
66 authorized to remain in the United States. Any such license shall have an expiration date  
67 coterminous with the expiration of the authorized stay. All licenses issued for less than 60  
68 months in duration shall be marked as temporary.

69           An applicant for a license under this section shall be required to answer questions on the  
70 examination to determine the applicant's knowledge of the laws regarding operating a motor  
71 vehicle while under the influence of alcoholic beverages or drugs or while sending or receiving  
72 electronic messages, and including the relevant sections of this chapter, chapter 94C and chapter  
73 138. The registrar shall determine the nature and number of such questions.

74           An applicant for a license or renewal thereof appearing in person at a registry branch  
75 shall take and pass a vision test administered by the registry; provided, however, that except as  
76 required by the registrar in regulations, an applicant may provide a vision screening certificate,  
77 signed by an optometrist or ophthalmologist to demonstrate compliance with minimum visual  
78 standards to obtain and hold a license. Such vision screening certificate shall not be deemed  
79 invalid by the registrar solely because it contains an electronic signature.

80 SECTION \_\_. Section 8B of said chapter 90, as so appearing, is hereby amended by  
81 inserting in line 42, after the word, “occurs,” the following words:– , except that no permit shall  
82 be issued to an applicant for a period of time longer than the registrar determines the applicant is  
83 legally authorized to remain in the United States.

84 SECTION \_\_. Said section 8B of said chapter 90, as so appearing, is hereby further  
85 amended by striking out the last sentence and inserting in place thereof the following sentence:–

86 Notwithstanding that a learner’s permit may be valid for a period of up to 2 years, each  
87 holder issued a learner’s permit with a period of validity of 2 years may take not more than 6  
88 driving tests within the first year and not more than 6 driving tests within the second year and if  
89 the registrar has issued a learner’s permit of less than 2 years duration, the permit holder shall be  
90 limited to no more than 6 driving tests in the first year and no more than 1 driving test for each 2  
91 months of remaining validity of the permit, upon payment of the fee for examination of an  
92 applicant for an operator’s license as required in said section 33, for each such driving test.

93 SECTION \_\_. Section 8E of said chapter 90, as so appearing, is hereby amended by  
94 striking out the first paragraph and inserting in place thereof the following paragraph:–

95 Any person 14 years of age or older who does not have a valid license to operate motor  
96 vehicles may make application to the registrar of motor vehicles for an identification card to be  
97 issued under this section. Only a resident of Massachusetts is eligible to apply for an  
98 identification card issued by the registrar. The registrar shall establish criteria for such an  
99 identification card by regulation.

100 SECTION \_\_. Said section 8E of said chapter 90, as so appearing, is hereby further  
101 amended by striking out the third paragraph and inserting place thereof the following 3  
102 paragraphs:–

103 An identification card or any renewal thereof issued under this section shall be valid from  
104 the date of issuance and shall expire on a date to be determined by the registrar which may not be  
105 more than 60 months from the date of issue, provided that the registrar may authorize a 1-year  
106 extension of the period of identification card validity for an applicant who has undergone  
107 medical treatment for an illness resulting in temporary changes to the physical characteristics of  
108 the applicant that would be apparent in an image captured by the registrar, as authorized by  
109 chapter 432 of the Acts of 2014. The identification card issued to an operator born on February  
110 29 shall, for the purpose of this section, expire on March 1.

111 Applications for identification cards shall be in such form as may be prescribed by the  
112 registrar and shall be signed by the applicant under oath. If the applicant is under age 18, the  
113 application shall be accompanied by the written consent, in such form as the registrar shall  
114 determine, of a parent or guardian or other person standing in place of a parent of the applicant.  
115 The photograph or facial image of the applicant required to be made a part of any identification  
116 card issued by this section shall be retained with the application for the period required by  
117 regulations of the registrar even if an identification card is not issued.

118 The registrar may issue more than one type of identification card in such form and type as  
119 may be prescribed by the registrar. The registrar shall issue one type of identification card which  
120 is compliant with the provisions of the federal REAL ID Act. An applicant for such  
121 identification card shall provide documentation acceptable to the registrar. Massachusetts REAL

122 ID-compliant identification cards shall be suitable for federal identification purposes and shall be  
123 so marked. The registrar may also issue a non-REAL ID-compliant identification card, a  
124 Massachusetts identification card, to an applicant who has satisfied the registrar that the  
125 applicant is qualified for such card. An identification card that is not REAL ID-compliant cannot  
126 be used for federal identification purposes and shall be so marked. The registrar may issue an  
127 identification card of any type for a term of less than 60 months but not less than 12 months. No  
128 identification card of any type may be issued under this section to a person who is legally  
129 authorized to stay in the United States for less than 12 months from the date of application for  
130 such card. The registrar may issue an identification card for a term of less than 60 months to a  
131 resident of Massachusetts who is legally authorized to stay in the United States for a period of at  
132 least 12 months, provided that the expiration date of such identification card shall be  
133 coterminous with the expiration date of the applicant's authorized stay in the United States, as  
134 evidenced by acceptable documents or information provided to the registrar. If said applicant is  
135 authorized to stay in the United States for at least 12 months but lacks acceptable evidence of a  
136 specific date by which such stay in the United States shall be terminated, any identification card  
137 issued shall expire no later than 12 months from the date of issue. No identification card of less  
138 than 60 months in duration can be renewed for any period unless the card holder provides  
139 documentation satisfactory to the registrar that the card holder is authorized to remain in the  
140 United States. Any such identification card expiration shall have an expiration date coterminous  
141 with the expiration of the authorized stay. All identification cards issued for a duration of less  
142 than 60 months shall be marked as temporary.

143 SECTION \_\_. Said chapter 90, as so appearing, is hereby amended by striking out  
144 section 31 and inserting in place thereof the following section:—

145           Section 31. The registrar may make rules and regulations governing the use and  
146 operation of motor vehicles or trailers and the conduct of operators and chauffeurs and may  
147 establish regulations to govern operator licenses, permits and identification cards and any other  
148 products the registrar currently issues or which the General Court may require the registrar to  
149 issue. A copy of such rules and regulations attested by the registrar shall be prima facie evidence  
150 that they have been made as provided by law. This section shall not be construed as giving the  
151 registrar power to regulate the speed at which motor vehicles may be operated on the public  
152 ways.

153           SECTION \_\_. Section 34B of chapter 138 of the General Laws, as so appearing, is  
154 hereby amended by inserting after the third sentence the following sentence:—

155           Any liquor purchase identification card issued by the registrar shall be labeled as “Not for  
156 Federal Identification.”