

SENATE No. 2489

Senate, May 24, 2016 – Text of amendment (1129.1) (offered by Senator McGee) 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.

The Commonwealth of Massachusetts

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

1 by striking out the text and inserting in place thereof the following text:-

2 “that the proposed new text be amended by inserting after section 28 the following 10
3 sections:-

4 ‘SECTION 28A. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby
5 amended by inserting after the definition of “Killed in action”, the following 2 definitions:-

6 “Lawful status”, the same meaning as defined in 6 C.F.R. 37.3.

7 “Lawful presence”, persons who have: (i) lawful status in the United States; or (ii)
8 documentation of lawful presence in the United States satisfactory to the registrar, in
9 consultation with the United States Department of Homeland Security.

10 SECTION 28B. Said section 1 of said chapter 90, as so appearing, is hereby further
11 amended by inserting after the definition of “Manufacturer”, the following definition:-

12 “Massachusetts license or identification card,” a license or identification card that is not
13 issued in compliance with the standards established by the United States Department of
14 Homeland Security in 6 C.F.R. 37.

15 SECTION 28C. Said section 1 of said chapter 90, as so appearing, is hereby further
16 amended by inserting after the definition of “Police officer” the following 2 definitions:–

17 “REAL ID Act”, the REAL ID Act of 2005, 49 U.S.C. 30301.

18 “REAL ID-compliant license or identification card”, a driver’s license or identification
19 card issued in compliance with the standards established by the United States Department of
20 Homeland Security in 6 C.F.R. 37.

21 SECTION 28D. The first paragraph of section 2 of said chapter 90, as so appearing, is
22 hereby amended by striking out the sixth sentence and inserting in place thereof the following
23 sentence:– Except as otherwise provided in this chapter, no registration shall be issued to a
24 natural person for a motor vehicle or trailer unless the person holds a license, an identification
25 card issued under section 8E, a social security number issued by the United States Social
26 Security Administration or proof of lawful presence in the United States; provided, however, that
27 the registrar shall provide by regulation for certain exemptions from these registration
28 requirements, as applicable, for nonresident, out-of-state students, certain military personnel,
29 senior citizens and disabled persons; and provided further, that the registrar may provide by
30 regulation additional exemptions which shall be consistent with this section.

31 SECTION 28E. Section 8 of said chapter 90, as so appearing, is hereby amended by
32 striking out the last 4 paragraphs and inserting in place thereof the following 7 paragraphs:–

33 A license or any renewal thereof issued to an operator shall be valid from the date of
34 issuance and shall expire on a date to be determined by the registrar which shall be not more than
35 60 months from the date of issue, provided, however, that the registrar may authorize a 1-year
36 extension of the period of license validity for a licensee who has undergone medical treatment
37 for an illness resulting in temporary changes to the physical characteristics of the applicant that
38 would be apparent in an image captured by the registrar, as authorized in this section and section
39 8E. For the purposes of this section, a license issued to an operator born on February 29 shall
40 expire on March 1. An applicant for renewal of a license who is 75 years of age or older shall
41 apply for renewal in person at a registry branch office.

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

50 The registrar shall issue more than 1 type of license which shall be in such form and type
51 as may be prescribed by the registrar. The registrar shall issue 1 type of license that is compliant
52 with the REAL ID Act. An applicant for a license shall provide documentation and demonstrate
53 qualifications acceptable to the registrar. REAL ID-compliant licenses shall be suitable for
54 federal identification purposes and shall be so marked. The registrar shall also issue a
55 Massachusetts license to an applicant who provides documentation and demonstrates

56 qualifications acceptable to the registrar. A Massachusetts license shall not be used for federal
57 identification purposes and shall be so marked.

58 No REAL ID-compliant license shall be issued to a person who fails to provide proof of
59 lawful presence; provided, however, that United States citizens and other persons who provide
60 proof of lawful presence may elect to apply for either a REAL ID-compliant license or a
61 Massachusetts license.

62 The registrar may issue a REAL ID-compliant license for a term of less than 60 months
63 to a resident of the commonwealth who is lawfully present in the United States for a period of at
64 least 12 months; provided, however, that the expiration date of any such license shall be
65 coterminous with the expiration date of the licensee's authorized stay in the United States as
66 evidenced by acceptable documents or information submitted to the registrar. If any such
67 licensee is authorized to stay in the United States for at least 12 months but lacks acceptable
68 evidence of a specific date on which such stay shall be terminated, the license issued to that
69 person shall expire not later than 12 months from the date of issuance. No REAL ID-compliant
70 license issued for less than 60 months shall be renewed unless the license holder provides
71 documentation satisfactory to the registrar that the license holder is authorized to remain in the
72 United States. Any such license shall have an expiration date coterminous with the expiration
73 date of the authorized stay. All licenses issued for less than 60 months in duration shall be
74 marked as temporary.

75 An applicant for a license under this section shall be required to answer questions on the
76 examination to determine the applicant's knowledge of the laws regarding operating a motor
77 vehicle while under the influence of alcoholic beverages or drugs or while sending or receiving

78 electronic messages, including the relevant sections of this chapter, chapter 94C and chapter 138.
79 The registrar shall determine the nature and number of such questions.

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

86 SECTION 28F. Section 8B of said chapter 90, as so appearing, is hereby amended by
87 inserting after the word, “occurs”, in line 42, the following words:– , except that no permit shall
88 be issued to an applicant for a period of time longer than the registrar determines the applicant is
89 legally authorized to remain in the United States.

90 SECTION 28G. The last paragraph of said section 8B of said chapter 90, as so appearing,
91 is hereby amended by striking out the last sentence and inserting in place thereof the following
92 sentence:– Notwithstanding that a learner’s permit may be valid for a period of up to 2 years,
93 each holder of a learner’s permit with a period of validity of 2 years may take not more than 6
94 driving tests within the first year and not more than 6 driving tests within the second year;
95 provided, however, that if the registrar has issued a learner’s permit for less than 2 years
96 duration, the holder shall be limited to not more than 6 driving tests in the first year and not more
97 than 1 driving test for each 2 months thereafter for the remaining period of validity of the permit
98 and upon payment of the fee for examination of an applicant for an operator’s license as required
99 by said section 33 for each driving test.

100 SECTION 28H. Section 8E of said chapter 90, as so appearing, is hereby amended by
101 striking out the first paragraph and inserting in place thereof the following paragraph:–

102 A person 14 years of age or older who does not have a valid license to operate a motor
103 vehicle may make application to the registrar for an identification card to be issued under this
104 section. Only a resident of the commonwealth shall be eligible to apply for an identification card
105 issued by the registrar. The registrar shall establish by regulation criteria for identification cards,
106 including an exceptions process by which a person who is homeless or is otherwise unable to
107 meet the established criteria may apply.

108 SECTION 28I. Said section 8E of said chapter 90, as so appearing, is hereby further
109 amended by striking out the third paragraph and inserting in place thereof the following 3
110 paragraphs:–

111 An identification card or any renewal thereof issued under this section shall be valid from
112 the date of issuance and shall expire on a date to be determined by the registrar which shall not
113 be more than 60 months from the date of issuance; provided, however, that the registrar may
114 authorize a 1-year extension of the period of identification card validity for an applicant who has
115 undergone medical treatment for an illness resulting in temporary changes to the physical
116 characteristics of the applicant that would be apparent in an image captured by the registrar, as
117 authorized by this section and section 8. For the purposes of this section, an identification card
118 issued to an operator born on February 29 shall expire on March 1.

119 Applications for identification cards shall be in such form as may be prescribed by the
120 registrar and shall be signed by the applicant under oath. The photograph or facial image of the
121 applicant required to be made a part of any identification card issued pursuant to this section

122 shall be retained with the application for the period required by regulations of the registrar even
123 if an identification card is not issued.

124 The registrar shall issue more than 1 type of identification card in such form and type as
125 may be prescribed by the registrar. The registrar shall issue 1 type of identification card that is
126 compliant with the REAL ID Act. An applicant for an identification card shall provide
127 documentation acceptable to the registrar. REAL ID-compliant identification cards shall be
128 suitable for federal identification purposes and shall be so marked. The registrar shall also issue a
129 Massachusetts identification card to an applicant who provides documentation acceptable to the
130 registrar. A Massachusetts identification card shall not be used for federal identification purposes
131 and shall be so marked. United States citizens or other applicants who provide proof of lawful
132 presence may elect to apply for either a REAL ID-compliant identification card or a
133 Massachusetts identification card.

134 The registrar may issue an identification card of any type for a term of less than 60
135 months but not less than 12 months. No identification card of any type may be issued under this
136 section to a person whose lawful presence is for less than 12 months from the date of application
137 for the identification card. The registrar may issue a REAL ID-compliant identification card for a
138 term of less than 60 months to a resident of the commonwealth whose lawful presence is
139 authorized for a period of at least 12 months; provided, however, that the expiration date of the
140 identification card shall be coterminous with the expiration date of the applicant's authorized
141 stay in the United States as evidenced by acceptable documents or information provided to the
142 registrar. If the applicant's lawful presence is authorized for at least 12 months but lacks
143 acceptable evidence of a specific date by which such stay in the United States shall be
144 terminated, the identification card issued shall expire not later than 12 months from the date of

145 issuance. No REAL ID-compliant identification card of less than 60 months in duration shall be
146 renewed for any period unless the card holder provides documentation satisfactory to the
147 registrar that the card holder is authorized to remain in the United States. Any such
148 identification card expiration shall have an expiration date coterminous with the expiration date
149 of the authorized stay. An identification card issued for a duration of less than 60 months shall be
150 marked as temporary.

151 SECTION 28J. Said chapter 90 is hereby further amended by striking out section 31, as
152 so appearing, and inserting in place thereof the following section:–

153 Section 31. The registrar may make rules and regulations governing the use and operation
154 of motor vehicles or trailers and the conduct of operators and chauffeurs and may establish
155 regulations to govern operator licenses, permits and identification cards and any other products
156 the registrar issues or which the general court shall require the registrar to issue. A copy of the
157 rules and regulations, attested by the registrar, shall be prima facie evidence that they have been
158 adopted as provided by law. This section shall not be construed as giving the registrar power to
159 regulate the speed at which motor vehicles may be operated on the public ways.’ and

160 by inserting after section 40 the following section:–

161 SECTION 40A. Section 34B of chapter 138 of the General Laws, as appearing in the
162 2014 Official Edition, is hereby amended by adding the following sentence:– A liquor purchase
163 identification card issued by the registrar shall be labeled as “Not for Federal Identification.” and
164 by inserting after section 77 the following 2 sections:–

165 “SECTION 77A. Notwithstanding section 8 of chapter 90 of the General laws, a
166 Massachusetts license issued by or before the effective date section 28E may be renewed as a

167 Massachusetts license without the license holder providing proof of lawful presence or the
168 expiration date of an authorized stay.

169 SECTION 77B. Notwithstanding section 8E of chapter 90 of the General Laws, A
170 Massachusetts identification card issued before the effective date of section 28I may be renewed
171 as a Massachusetts identification card without the license holder providing proof of lawful
172 presence or the expiration date of an authorized stay.”