

HOUSE No. 3419

The Commonwealth of Massachusetts

PRESENTED BY:

Shawn Dooley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing driver privilege cards for undocumented residents of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>1/19/2017</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	

HOUSE No. 3419

By Mr. Dooley of Norfolk, a petition (accompanied by bill, House, No. 3419) of Shawn Dooley and Tricia Farley-Bouvier for legislation to authorize a driver privilege card for undocumented residents. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act establishing driver privilege cards for undocumented residents of the Commonwealth.

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. The nineteenth paragraph of section 8 of chapter 90 of the General Laws, as
2 most recently amended by section 1 of chapter 172 of the acts of 2016, is hereby further
3 amended by inserting after the word “states”, the second time it appears, the following words:- ;
4 provided, however, that such person may be issued a driver privilege card pursuant to section
5 8N.

6 SECTION 2. Said chapter 90 of the General Laws is hereby amended by inserting after
7 section 8M the following section:-

8 Section 8N. (a) For the purposes of this chapter, a “driver privilege card” shall be defined
9 as a permit obtainable by non-citizen, undocumented residents of the commonwealth that
10 authorizes the owner of the card to legally operate a motor vehicle on the roadways of the
11 commonwealth, subject to the restrictions of this section.

12 (b) A driver privilege card shall:

13 (i) not be used for the purpose of government identification;

14 (ii) be clearly marked with the words “For driving privileges only-not valid for
15 identification” in a design prescribed by the registrar of motor vehicles, hereinafter the registrar;
16 and

17 (iii) have a different background color than the Massachusetts operator’s license.

18 The registrar may impose any and all security measures necessary for the purpose of
19 preventing any alteration of the card.

20 (c) Any non-citizen, undocumented resident of the commonwealth may apply to the
21 registrar to obtain a driver privilege card; provided, however, that: (i) no person who has
22 previously held a driver privilege card and whose card is not in force because of revocation or
23 suspension, or whose right to operate is suspended by the registrar, (ii) no person under 18 years
24 of age, and (iii) no person who has been convicted of a felony in the United States shall be issued
25 a driver privilege card.

26 (d) The registrar shall promulgate regulations establishing requirements for qualification
27 examinations, including driving examinations, for persons applying for a driver privilege card.
28 Applicants for a driver privilege card shall complete and pass any qualification examinations as
29 prescribed by the registrar prior to issuance of the card. The registrar may deny any applicant a
30 driver privilege card; provided, however, that a denial is not made based on the age of the
31 applicant, except if an applicant is less than 18 years of age. The registrar may issue a driver
32 privilege card upon the satisfactory completion of the requirements established pursuant to this
33 section and the regulations promulgated by the registrar.

34 (e) Applications shall be made upon a form furnished by the registrar. The applicant shall
35 pay a fee for application for an appointment for examination pursuant to paragraph (23a) of
36 section 33 at the time of examination. The registrar may authorize an applicant to take an
37 examination without payment of an additional fee when the applicant is unable to take the
38 examination at the time originally scheduled. Applicants shall not take more than 6 driving
39 examinations within a 12 month period.

40 (f) The applicant shall be required to complete a driver education and training course.
41 The driver education and training course shall consist of: (i) not less than 30 hours of classroom
42 instruction, (ii) not less than 18 hours of on-road instruction conducted by a certified driver
43 education instructor in a motor vehicle, and (iii) a module on the science related to addiction and
44 addictive substances which shall also include the impact of psychoactive substances on the brain
45 and the effect of such substances on a person while operating a motor vehicle. To meet the
46 supervised driving requirements, a student shall complete at least 6 hours of observing another
47 student driver and at least 12 hours of operating a motor vehicle. No student shall have more than
48 1 on-road session per day and no session shall be for more than 2 hours in length. The registrar
49 shall promulgate rules and regulations to establish and provide the driver education and training
50 courses and to enforce compliance with the supervised driver requirements.

51 (g) An applicant shall submit the following documents to the registrar at the time of
52 application:

53 (i) proof of a history of gainful employment in the United States and the commonwealth;

54 (ii) proof that the applicant has completed: (A) a driver education and training course,
55 including a module on the science related to addiction and addictive substances which shall also

56 include the impact of psychoactive substances on the brain and the effect of such substances on a
57 person while operating a motor vehicle, and (B) the required hours of supervised driving,
58 presented in such form as the registrar may require;

59 (iii) proof that all federal and state taxes have been paid;

60 (iv) proof of name, date, and place of birth via a valid foreign passport, valid consular
61 identification document, or a certified birth, marriage, adoption, or divorce certificate; proof of
62 Massachusetts residency for a minimum of 5 years via a home utility bill, college or university
63 document, selective service card, car title, bank issued documents, individual tax identification
64 number, school transcript, or other satisfactory evidence as the registrar may require.

65 If the registrar has reasonable cause to suspect that any document presented by an
66 applicant as proof of identity or age has been altered, falsified or otherwise invalidated, the
67 registrar shall refuse to grant the driver privilege card until the applicant provides the registrar
68 with proof, satisfactory to the registrar, of their identity.

69 (h) For the first year following the initial issuance of the driver privilege card, the
70 following rules and restrictions shall apply:

71 (i) the driver shall not operate a motor vehicle between the hours of 12 a.m. and 5
72 a.m; and

73 (ii) the driver shall not operate a motor vehicle upon any way except when
74 accompanied by an operator, duly licensed to operate a motor vehicle by his or her state of
75 residence, who is 21 years of age or over, who has had at least 1 year of driving experience, and
76 who is occupying a seat beside the driver.

77 The owner of a driver privilege card who violates this subsection shall be deemed to be
78 operating a motor vehicle without being duly licensed or permitted to do so, and in addition to
79 any fine or penalty, shall have his or her driver privilege card suspended for 60 days for a first
80 offense, for 6 months for a second offense and for 1 year for a third and subsequent offenses.

81 (i) As long as a person remains a non-citizen, undocumented resident of the
82 commonwealth and is in possession of a driver privilege card, their minimum motor vehicle
83 insurance coverage to maintain the validity of their driver privilege card shall be as follows:

84 (i) Bodily injury to others – \$200,000 per person and \$400,000 per accident;

85 (ii) Personal injury protection – \$80,000 per person and per accident;

86 (iii) Bodily injury caused by uninsured auto – \$200,000 per person and \$400,000 per
87 accident;

88 (iv) Damage to someone else’s property – \$50,000 per accident.

89 (j) A driver privilege card shall not authorize the owner of said card to vote in any local,
90 state or federal election. The registrar, in conjunction with the secretary of the commonwealth,
91 shall develop safeguards to prevent the accidental registration of non-eligible individuals. Any
92 person who violates this subsection and attempts to register to vote or votes in any local, state or
93 federal election shall become permanently ineligible to hold a driver privilege card and subject to
94 prosecution for illegal registration and illegal voting pursuant to chapter 56.

95 SECTION 2. Section 33 of said chapter 90, as appearing in the 2014 Official Edition, is
96 hereby amended by inserting after subsection (21) the following subsection:-

97 (21a) For each driver privilege card or for the renewal thereof; provided, that said fee
98 shall be collected upon the initial issuance of a card, and shall be collected at least once every
99 year upon the renewal date of said card from every issuer.

100 SECTION 3. Said section 33 of said chapter 90, as so appearing, is hereby amended by
101 inserting after paragraph 23 the following paragraph:-

102 (23a) For each application for an appointment for an examination for a driver privilege
103 card. The registrar, for reasons they deem sufficient, may authorize an applicant to be examined
104 without payment of an additional fee when the applicant has been unable to take the examination
105 at the time originally scheduled.

106 SECTION 4. The registrar of motor vehicles may promulgate rules and regulations as
107 necessary to carry out the provisions of this act.