SENATE . . . . . No. 2641

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

SENATE, April 21, 2020.

The committee on Transportation to whom was referred the petition (accompanied by bill, Senate, No. 2061) of Brendan P. Crighton, Jack Patrick Lewis, Jason M. Lewis, Daniel Cahill and other members of the General Court for legislation relative to work and family mobility; and the petition (accompanied by bill, House, No. 3012) of Tricia Farley-Bouvier, Christine P. Barber and others relative to the issuance of driver's licenses to certain persons unable to provide proof of lawful presence,-- reports the accompanying bill (Senate, No. 2641). (Representatives Howitt of Seekonk, Orrall of Lakeville and DeCoste of Norwell dissenting).

For the committee,
Joseph A. Boncore

FILED ON: 2/5/2020

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In the One Hundred and Ninety-First General Court
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An Act relative to work and family mobility.

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

SECTION 1. Section 8 of chapter 90 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out in lines 275 to 277 the sentence "No license of any type may be issued to any person who does not have lawful presence in the United States." and inserting in place thereof the following:-

Persons who do not provide proof of lawful presence, including those who are ineligible for a social security number, shall be eligible for a Massachusetts license if they meet all other qualifications for licensure and provide satisfactory proof to the registrar of identity, date of birth and Massachusetts residency. When processing an application for a Massachusetts license, a learner's permit, or a motor vehicle registration, the registrar shall not inquire about or create a record of an applicant's citizenship or immigration status.

SECTION 2. Said section 8 of said chapter 90, as so appearing, is hereby further amended in lines 278 and 279 by striking the words "or a Massachusetts license".

SECTION 3. Said section 8 of said chapter 90, as so appearing, is hereby further amended in line 287 by inserting before the word “license” the following words:- “REAL ID-compliant”.

SECTION 4. Said section 8 of said chapter 90, as so appearing, is hereby further amended, in line 295, by inserting after the word “temporary.” The following new sentence:-

“If, at the expiration of the term of a REAL ID complaint license, the licensee is unable to provide proof of lawful presence, the license shall remain eligible to apply for a Massachusetts license.

SECTION 5. Said section 8 of said chapter 90, as so appearing, is hereby further amended by adding the following 2 paragraphs at the end thereof:-

For applicants under this section or section 8B who do not provide documentation of lawful presence in the United States, the registrar shall accept the following documents as proof of identity and date of birth. Applicants must present one document from list A and one document from list B; provided, that at least one document must include a photograph and one must include a date of birth.

List A:

A valid foreign passport.

A valid Consular Identification document.

List B:

A valid driver's license from any United States state or territory.

A valid Massachusetts identification card.

An original or certified copy of a birth certificate.

A valid Employment Authorization Document issued by United States Citizenship and Immigration Services.

Each applicant for a license or permit under this chapter shall attest under the pains and penalties of perjury that their license or right to operate has not been suspended or revoked in another state, country or jurisdiction.

SECTION 5. Section 8B of said chapter 90, as so appearing, is hereby amended in lines 42 to 44 by striking the words ", except that no permit shall be issued to an applicant for a period of time longer than the registrar determines the applicant is legally authorized to remain in the United States".

SECTION 6. This act shall take effect on January 1, 2021.