HOUSE . . . . . No. 4461

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 15, 2022.

The committee on Ways and Means, to whom was referred the Bill relative to work and family mobility during and subsequent to the COVID-19 emergency (House, No. 4459), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4461) [Representatives Smola of Warren, D'Emilia of Bridgewater, Berthiaume of Spencer, Muratore of Plymouth, and Whelan of Brewster dissent].

For the committee,

AARON MICHLEWITZ.

FILED ON: 2/15/2022

HOUSE . . . . . No. 4461

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

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 2020 Official Edition, is hereby amended by striking out, in lines 275 to 277, inclusive, the words "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 words:- An applicant for a license under this section who does not provide proof of lawful presence, including an applicant who is ineligible for a social security number, shall be eligible for a Massachusetts license to operate a motor vehicle if the applicant meets all other qualifications for licensure and provides satisfactory proof to the registrar of their identity, date of birth and Massachusetts residency. When processing an application for a Massachusetts license pursuant to this section the registrar shall not inquire about or create a record of an applicant's citizenship or immigration status. When processing an application for registration or renewal of a motor vehicle submitted by an applicant who holds a Massachusetts license 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 by striking out, in lines 278 to 279, inclusive, the words “or a Massachusetts license”.

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

SECTION 4. Said section 8 of said chapter 90, as so appearing, is hereby further amended by inserting after the word “temporary.”, in line 295, the following words:- If, at the expiration of the term of a REAL ID-compliant license, the licensee is unable to provide proof of lawful presence, the licensee 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 3 paragraphs:-

If an applicant for a license under this section or an applicant for a learner’s permit under section 8B does not provide proof of lawful presence in the United States, the applicant shall submit to the registrar and the registrar shall accept as proof of their identity and date of birth at least 2 documents. One document shall be: (1) a valid unexpired foreign passport; or (2) a valid unexpired Consular Identification document. The other document shall be: (1) a valid unexpired driver’s license from any United States state or territory; (2) an original or certified copy of a birth certificate; (3) a valid unexpired foreign national identification card; (4) a valid unexpired foreign driver’s license; or (5) a marriage certificate or divorce decree issued in Massachusetts. One document submitted as proof of an applicant’s identity pursuant to this paragraph shall include a photograph and one document submitted as proof of an applicant’s identity pursuant to this paragraph shall include a date of birth. Any documents submitted as proof of an applicant’s

identity pursuant to this paragraph that are in any language other than English shall be accompanied by a certified translation translating the document to English.

In addition to the powers and authority conferred upon the registrar pursuant to section 10 with respect to standards of fitness for operation of a motor vehicle, the registrar may conduct a review of any documents issued by another country that are submitted by an applicant for a license under this section or an applicant for a learner's permit under section 8B who does not provide proof of lawful presence in the United States, including those who are ineligible for a social security number, to determine whether reasonable cause exists to exclude the document as proof of identity or date of birth.

Each applicant for a license under this section or learner's permit under section 8B 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 6. Section 8B of said chapter 90, as so appearing, is hereby amended by striking out, in lines 42 to 44, inclusive, 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 7. (a) Notwithstanding any general or special law to the contrary, any information provided by or relating to an applicant for a Massachusetts license under section 8 of chapter 90 of the General Laws or a learner's permit under section 8B of said chapter 90, including failure to provide proof of lawful presence in the United States, including, but not limited to, personally identifying information and communications between said applicant and the registrar of motor vehicles pursuant to said section 8 or 8B of said chapter 90, shall neither be

a public record nor be disclosed by the registrar, except as authorized by regulations promulgated by the attorney general.

(b) Notwithstanding any general or special law to the contrary, any information provided by or relating to the holder of a Massachusetts license issued under section 8 of said chapter 90 or the holder of a learner's permit issued under section 8B of said chapter 90, including failure to provide proof of lawful presence in the United States, including, but not limited to, personally identifying information and communications between said holder and the registrar of motor vehicles pursuant to said section 8 or 8B of said chapter 90, shall neither be a public record nor be disclosed by the registrar, except as authorized by regulations promulgated by the attorney general.

SECTION 8. Notwithstanding any general or special law to the contrary, the registrar of motor vehicles shall promulgate rules and regulations regarding proof of identity, date of birth and Massachusetts residency applicable to United States citizens and other persons who provide proof of lawful presence who elect to apply for a Massachusetts license pursuant to section 8 of chapter 90 of the General Laws.

SECTION 9. Notwithstanding any general or special law to the contrary, the registrar of motor vehicles, in consultation with the state secretary, shall establish procedures, and may promulgate regulations, to ensure that an applicant for a Massachusetts license pursuant to section 8 of chapter 90 of the General Laws or a learner's permit pursuant to section 8B of said chapter 90 who does not provide proof of lawful presence shall not be automatically registered to vote pursuant to the National Voter Registration Act of 1993, as codified in 52 U.S.C. chapter 205, or any general or special law.

SECTION 10. This act shall take effect on July 1, 2023.