

HOUSE No. 3552

The Commonwealth of Massachusetts

PRESENTED BY:

Mathew J. Muratore

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 relative to learner’s permits as government identification.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------------|--------------------------------|------------------|
| <i>Mathew J. Muratore</i> | <i>1st Plymouth</i> | <i>2/12/2021</i> |
| <i>Joseph D. McKenna</i> | <i>18th Worcester</i> | <i>2/17/2021</i> |
| <i>David F. DeCoste</i> | <i>5th Plymouth</i> | <i>2/17/2021</i> |
| <i>Patrick Joseph Kearney</i> | <i>4th Plymouth</i> | <i>2/22/2021</i> |
| <i>Susan L. Moran</i> | <i>Plymouth and Barnstable</i> | <i>2/26/2021</i> |

HOUSE No. 3552

By Mr. Muratore of Plymouth, a petition (accompanied by bill, House, No. 3552) of Mathew J. Muratore and others relative to the use of learner’s permits or junior operator licenses as government identification. Transportation.

The Commonwealth of Massachusetts

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

An Act relative to learner’s permits as government identification.

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. Section 8 of chapter 90 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after the eighth paragraph the following 2
3 paragraphs:-

4 The registrar shall issue more than 1 type of junior operator license which shall be in such
5 form and type as may be prescribed by the registrar. The registrar shall issue 1 type of junior
6 operator license that is compliant with the REAL ID Act. An applicant for a junior operator
7 license shall provide documentation and demonstrate qualifications acceptable to the registrar.
8 REAL ID-compliant junior operator licenses shall be suitable for federal identification purposes
9 and shall be so marked. The registrar shall also issue a Massachusetts license to an applicant who
10 provides documentation and demonstrates qualifications acceptable to the registrar. A
11 Massachusetts junior operator license shall not be used for federal identification purposes and
12 shall be so marked. No REAL ID-compliant junior operator license shall be issued to a person

13 who fails to provide proof of lawful presence; provided, however, that United States citizens and
14 other persons who provide proof of lawful presence may elect to apply for either a REAL ID-
15 compliant junior operator license or a Massachusetts junior operator license. No junior operator
16 license of any type may be issued to any person who does not have lawful presence in the United
17 States.

18 The registrar may issue a REAL ID-compliant junior operator license or a Massachusetts
19 junior operator license for a term of less than 18 months to a resident of the commonwealth who
20 is lawfully present in the United States for a period of at least 12 months; provided, however,
21 that the expiration date of any such junior operator license shall be coterminous with the
22 expiration date of the licensee's authorized stay in the United States, as evidenced by acceptable
23 documents or information provided to the registrar. If a licensee is authorized to stay in the
24 United States for at least 12 months but lacks acceptable evidence of a specific date by which
25 such stay in the United States shall be terminated, a junior operator license issued shall expire
26 not later than 12 months from the date of issue. No license of less than 60 months in duration
27 shall be renewed unless the license holder provides documentation satisfactory to the registrar
28 that the license holder is authorized to remain in the United States. Any such license shall have
29 an expiration date coterminous with the expiration of the authorized stay. All licenses issued for
30 less than 60 months in duration shall be marked as temporary.

31 SECTION 2. Section 8B of said chapter 90, as so appearing, is hereby amended by
32 adding the following 2 paragraphs:-

33 The registrar shall issue more than 1 type of learner's permit in such form and type as
34 may be prescribed by the registrar. The registrar shall issue 1 type of learner's permit that is

35 compliant with the REAL ID Act. An applicant for a learner's permit shall provide
36 documentation acceptable to the registrar. REAL ID-compliant learner's permits shall be suitable
37 for federal identification purposes and shall be so marked. The registrar shall also issue a
38 Massachusetts learner's permit to an applicant who provides documentation acceptable to the
39 registrar. A Massachusetts learner's permit shall not be used for federal identification purposes
40 and shall be so marked. United States citizens or other applicants who provide proof of lawful
41 presence may elect to apply for either a REAL ID-compliant learner's permit or a Massachusetts
42 learner's permit.

43 The registrar may issue a REAL ID-compliant learner's permit or a Massachusetts
44 learner's permit for a term of less than 24 months to a resident of the commonwealth who is
45 lawfully present in the United States for a period of at least 12 months; provided, however, that
46 the expiration date of any such learner's permit shall be coterminous with the expiration date of
47 the permittee's authorized stay in the United States, as evidenced by acceptable documents or
48 information provided to the registrar. If a permittee is authorized to stay in the United States for
49 at least 12 months but lacks acceptable evidence of a specific date by which such stay in the
50 United States shall be terminated, a learner's permit issued shall expire not later than 12 months
51 from the date of issue. No learner's permit of less than 24 months in duration shall be renewed
52 unless the permit holder provides documentation satisfactory to the registrar that the permit
53 holder is authorized to remain in the United States. Any such learner's permit shall have an
54 expiration date coterminous with the expiration of the authorized stay. All learner's permits
55 issued for less than 24 months in duration shall be marked as temporary.

56 SECTION 3. Section 34B of chapter 138 of the General Laws, as so appearing, is hereby
57 amended by striking out the second paragraph and inserting in place thereof the following
58 paragraph:-

59 Any licensee, or agent or employee thereof, under this chapter who reasonably relies on:
60 (i) a liquor purchase identification card or motor vehicle license issued pursuant to section 8 of
61 chapter 90; (ii) a learner's permit issued pursuant to section 8B of chapter 90; (iii) an
62 identification card issued under section 8E of chapter 90; (iv) a valid passport issued by the
63 United States government or by the government, recognized by the United States government, of
64 a foreign country; or (v) a valid United States issued military identification card for proof of a
65 person's identity and age shall not suffer any modification, suspension, revocation or cancellation
66 of such license, nor shall they suffer any criminal liability, for delivering or selling alcohol or
67 alcoholic beverages to a person under 21 years of age. Any licensee, or agent or employee
68 thereof, under this chapter who reasonably relies on such a liquor purchase identification card or
69 motor vehicle license, learner's permit or identification card for proof of a person's identity and
70 age shall be presumed to have exercised due care in making such delivery or sale of alcohol or
71 alcoholic beverages to a person under 21 years of age. Such presumption shall be rebuttable;
72 provided, however, that nothing contained herein shall affect the applicability of section 69.