

# SENATE . . . . . No. 2851

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Second General Court  
(2021-2022)  
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SENATE, April 28, 2022.

The committee on Senate Rules, to whom was referred the House Bill relative to work and family mobility (House, No. 4470); reports, that the matter be placed in the Orders of the Day for the next session with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2851.

For the committee,  
Joan B. Lovely

**The Commonwealth of Massachusetts**

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

1           SECTION 1. Section 8 of chapter 90 of the General Laws, as appearing in the 2020  
2   Official Edition, is hereby amended by striking out, in lines 275 to 277, inclusive, the words “No  
3   license of any type may be issued to any person who does not have lawful presence in the United  
4   States” and inserting in place thereof the following words:- An applicant for a license under this  
5   section who does not provide proof of lawful presence, including an applicant who is ineligible  
6   for a social security number, shall be eligible for a Massachusetts license to operate a motor  
7   vehicle if the applicant meets all other qualifications for licensure and provides satisfactory proof  
8   to the registrar of their identity, date of birth and Massachusetts residency. When processing an  
9   application for a Massachusetts license pursuant to this section, the registrar shall not inquire  
10   about or create a record of an applicant’s citizenship or immigration status except as required  
11   under title 52 of the United States Code or chapter 51 of the General Laws. When processing an  
12   application for registration of a motor vehicle, or a renewal thereof, submitted by an applicant  
13   who holds a Massachusetts license, the registrar shall not inquire about or create a record of an  
14   applicant’s citizenship or immigration status.

15           SECTION 2. Said section 8 of said chapter 90, as so appearing, is hereby further  
16   amended by striking out, in lines 278 to 279, inclusive, the words “or a Massachusetts license”.

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

19 SECTION 4. Said section 8 of said chapter 90, as so appearing, is hereby further  
20 amended by inserting after the word “temporary.”, in line 295, the following words:- If, at the  
21 expiration of the term of a REAL ID-compliant license, the licensee does not provide proof of  
22 lawful presence, the licensee shall remain eligible to apply for a Massachusetts license.

23 SECTION 5. Said section 8 of said chapter 90, as so appearing, is hereby further  
24 amended by adding the following 3 paragraphs:-

25 If an applicant for a license under this section or a learner’s permit under section 8B does  
26 not provide proof of lawful presence, the applicant shall submit to the registrar, and the registrar  
27 shall accept as proof of their identity and date of birth, 2 documents: (i)(A) a valid unexpired  
28 foreign passport; or (B) a valid unexpired consular identification document; and (ii)(A) a valid  
29 unexpired driver’s license from any state or territory of the United States; (B) an original or  
30 certified copy of a birth certificate; (C) a valid unexpired foreign national identification card; (D)  
31 a valid unexpired foreign driver’s license; or (E) a marriage certificate or divorce decree issued  
32 by any state or territory of the United States. One document submitted as proof of an applicant’s  
33 identity pursuant to this paragraph shall include a photograph and 1 document submitted as proof  
34 of an applicant’s identity pursuant to this paragraph shall include a date of birth. Any document  
35 submitted as proof of an applicant’s identity pursuant to this paragraph that is in a language other  
36 than English shall be accompanied by a certified translation of the document into English.

37 In addition to the powers and authority conferred upon the registrar pursuant to section 10  
38 with respect to standards of fitness for operation of a motor vehicle, the registrar may conduct a

39 review of any document issued by another country that is submitted by an applicant for a license  
40 under this section or a learner's permit under section 8B who does not provide proof of lawful  
41 presence, including an applicant who is ineligible for a social security number, to determine  
42 whether reasonable cause exists to exclude the document as proof of identity or date of birth.

43 Each applicant for a license under this section or a learner's permit under section 8B shall  
44 attest, under the pains and penalties of perjury, that their license or right to operate has not been  
45 suspended or revoked in another state, country or jurisdiction.

46 SECTION 6. Section 8B of said chapter 90, as so appearing, is hereby amended by  
47 striking out, in lines 42 to 44, inclusive, the words “, except that no permit shall be issued to an  
48 applicant for a period of time longer than the registrar determines the applicant is legally  
49 authorized to remain in the United States”.

50 SECTION 7. (a) Notwithstanding any general or special law to the contrary, any  
51 information provided by or relating to an applicant for a Massachusetts license under section 8 of  
52 chapter 90 of the General Laws or a learner's permit under section 8B of said chapter 90,  
53 including failure to provide proof of lawful presence as defined in section 1 of said chapter 90,  
54 including, but not limited to, personally identifying information and communications between  
55 the applicant and the registrar of motor vehicles pursuant to said section 8 or said section 8B of  
56 said chapter 90, shall neither be a public record nor disclosed by the registrar, except as  
57 authorized by regulations promulgated by the attorney general; provided, however, that  
58 information maintained by the motor vehicle insurance merit rating board pursuant to section  
59 57A of chapter 6C of the General Laws may be disseminated for motor vehicle insurance

60 purposes; and provided further, that any information disseminated for motor vehicle insurance  
61 purposes shall remain confidential and be used solely for the purpose of motor vehicle insurance.

62 (b) Notwithstanding any general or special law to the contrary, any information provided  
63 by or relating to the holder of a Massachusetts license issued under said section 8 of said chapter  
64 90 or a learner's permit issued under said section 8B of said chapter 90, including failure to  
65 provide proof of lawful presence as defined in said section 1 of said chapter 90, including, but  
66 not limited to, personally identifying information and communications between the holder and  
67 the registrar of motor vehicles pursuant to said section 8 or said section 8B of said chapter 90,  
68 shall neither be a public record nor disclosed by the registrar, except as authorized by regulations  
69 promulgated by the attorney general; provided, however, that information maintained by the  
70 motor vehicle insurance merit rating board pursuant to said section 57A of said chapter 6C may  
71 be disseminated for motor vehicle insurance purposes; and provided further, that any information  
72 disseminated for motor vehicle insurance purposes shall remain confidential and be used solely  
73 for the purpose of motor vehicle insurance.

74 SECTION 8. Notwithstanding any general or special law to the contrary, the registrar of  
75 motor vehicles shall promulgate rules and regulations regarding proof of identity, date of birth  
76 and Massachusetts residency applicable to United States citizens and other persons who provide  
77 proof of lawful presence as defined in section 1 of chapter 90 of the General Laws who elect to  
78 apply for a Massachusetts license pursuant to section 8 of said chapter 90.

79 SECTION 9. Notwithstanding any general or special law to the contrary, the registrar of  
80 motor vehicles, in consultation with the state secretary, shall establish procedures and may  
81 promulgate regulations to ensure that an applicant for a Massachusetts license pursuant to section

82 8 of chapter 90 of the General Laws or a learner's permit pursuant to section 8B of said chapter  
83 90 who does not provide proof of lawful presence as defined in section 1 of chapter 90 of the  
84 General Laws shall not be automatically registered to vote pursuant to the National Voter  
85 Registration Act of 1993, 52 U.S.C. chapter 205, or any general or special law.

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