

HOUSE No. 3725

The Commonwealth of Massachusetts

PRESENTED BY:

Jack Patrick Lewis

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 providing for mobile driver's licenses in the commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/16/2025</i>

HOUSE No. 3725

By Representative Lewis of Framingham, a petition (accompanied by bill, House, No. 3725) of Jack Patrick Lewis that the Registrar of Motor Vehicles establish an electronic credential system. Transportation.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act providing for mobile driver’s licenses in 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. Chapter 90 of the General Laws is hereby amended by inserting after
2 section 8N the following section:-

3 Section 8O. (a) For purposes of this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 “AAMVA”, the American Association of Motor Vehicle Administrators.

6 “Credential”, a license issued pursuant to section 8, a learner’s permit issued under
7 section 8B or an identification card issued under section 8E.

8 “Credential holder”, the individual that has been issued a physical or electronic
9 credential.

10 “Data element”, a distinct component of a customer’s information that is found on a
11 registrar’s customer record.

“Electronic credential”, an electronic extension of a physical credential that conveys identity and driving privilege information for purposes of displaying the credential on a mobile telephone or other electronic device and is in compliance with AAMVA’s Mobile Driver License Implementation Guidelines and the ISO/IEC 18013-5 standard.

“Electronic credential system” or “system”, a digital process that includes a method for provisioning electronic credentials, requesting and transmitting electronic credential data elements, and performing tasks to maintain the system.

“ISO”, the International Organization for Standardization, which creates uniform processes and procedures.

“Physical credential”, a credential issued by the registrar in its physical form.

“Provision”, the initial loading of an electronic credential onto a device.

“Relying party”, the entity to which the credential holder is presenting the electronic credential.

“Verification Process”, a method of authenticating the electronic credential through the use of secure encrypted communication.

(b) (1) The registrar shall establish an electronic credential system subject to the requirements of this section.

(2) The system shall require the registrar to issue an electronic credential to any individual who is otherwise eligible to hold a physical credential. The electronic credential shall be issued in addition to, and not instead of, a physical credential. The data elements used to build

an electronic credential shall match the data elements used by the registrar for that individual's physical credential.

(3) An electronic credential shall be valid for a specific period of time, to be established by the registrar.

(4) The registrar may contract with one or more entities to develop and maintain the electronic credential system.

(5) The registrar may enter into an agreement or contract with another department of the commonwealth, another state, the United States or a third party to facilitate the issuance, use or verification of an electronic credential issued under the system.

(6) An electronic credential issued by the registrar shall be in accordance with the most recent AAMVA standards.

(7) The registrar may assess a fee for the application and provisioning of an electronic credential.

(c) The registrar shall ensure that the:

(i) electronic credential data and the verification process complies with all data security and privacy protection laws of the commonwealth and the United States; and

(ii) verification process requires the relying party to: (A) authenticate electronic credentials in accordance with applicable AAMVA standards prior to acceptance of the electronic credential; and (B) request only electronic credential data elements that are necessary to complete the transaction for which that data is being requested.

(d) (1) Relying Parties shall only retain electronic credential data elements for which the relying party explicitly obtained consent from the electronic credential holder. Relying parties shall inform the electronic credential holder of the use and retention period of the electronic data elements.

(2) The electronic credential system shall be designed to maximize the privacy of the credential holder in accordance with state and federal law and shall not track or compile information without the credential holder's consent. The registrar shall only compile or disclose information regarding use of the credential as required by state or federal law.

(e) (1) The electronic credential holder shall be required to have their physical credential on their person while operating a motor vehicle.

(2) The electronic credential system shall be designed so that there is no requirement for the electronic credential holder to display or relinquish possession of their mobile or electronic device to relying parties for the acceptance of an electronic credential.

(3) Upon request by law enforcement, an electronic credential holder must provide their physical credential.

(4) Any law or regulation that requires an individual to surrender their physical credential to law enforcement does not apply to the device on which an electronic credential has been provisioned.

(f) (1) The display of an electronic credential shall not serve as consent or authorization for a law enforcement officer, or any person, to search, view or access any other data or application on the mobile device. If a person presents a mobile or electronic device to a law

enforcement officer for purposes of displaying an electronic credential, the officer shall promptly return the device to the person once the officer has had an opportunity to verify the identity of the person.

(2) Except for willful and wanton misconduct, any law enforcement officer, court or officer of the court presented with a mobile or electronic device for purposes of displaying an electronic credential shall be immune from any liability resulting from damage to the mobile or electronic device.

(g) The registrar shall promulgate rules and regulations to implement this section.

SECTION 2. The regulations required under subsection (g) of section 80 of chapter 90 of the General Laws, inserted by section 1, shall be promulgated within 270 days after passage of this act.

SECTION 3. Section 1 shall take effect 270 days after passage of this act.