

# ASSEMBLY, No. 4425

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MAY 11, 2015

**Sponsored by:**

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**District 37 (Bergen)**

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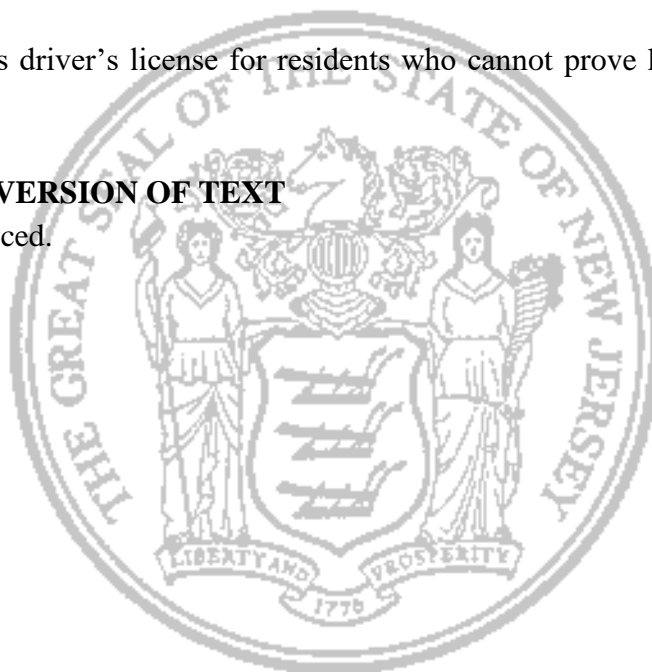
**Assemblywomen Spencer, Muoio, Jasey and Pinkin**

**SYNOPSIS**

Establishes driver's license for residents who cannot prove lawful presence in US.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/17/2015)**

1 AN ACT concerning driver's licenses and supplementing chapter 3  
2 of Title 39 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. a. The Motor Vehicle Commission shall issue a driver's  
8 license to a person who satisfies the requirements for the issuance  
9 of a basic driver's license but cannot provide proof of lawful  
10 presence in the United States.

11 b. Each applicant for a driver's license pursuant to the  
12 provisions of this act shall be required to submit to the commission,  
13 upon request, proof of identity, date of birth, and residence in the  
14 State of New Jersey. If the applicant has been issued a social  
15 security number, the applicant shall provide it to the commission.

16 The chief administrator shall adopt, pursuant to the  
17 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
18 seq.), regulations establishing the documentation necessary to prove  
19 an applicant's identity, date of birth, and residency. The documents  
20 may include, but not be limited to, an original or certified copy of  
21 the following documents or combination of documents, as  
22 determined by the chief administrator:

23 (1) a valid, unexpired consular identification document issued  
24 by a consulate from the applicant's country of citizenship, a valid,  
25 unexpired passport from the applicant's country of citizenship, a  
26 drivers license or identification card issued by another state or a  
27 municipality, a United States military identification document, a  
28 foreign driver's license, a foreign federal electoral photo card, a  
29 document issued by the Department of Homeland Security or a  
30 court, a student identification document, a marriage license or  
31 divorce certificate, or other proof of identity, as designated by the  
32 chief administrator. The documents may be expired if they are  
33 presented with other acceptable proof of identity;

34 (2) an original birth certificate, adoption records, an official  
35 school or college transcript that includes the applicant's date of  
36 birth, a foreign school record that includes a photograph of the  
37 applicant at the age the record was issued, or other proof of age, as  
38 designated by the chief administrator;

39 (3) a home utility bill, lease or rental agreement, a property tax  
40 bill or statement issued within the previous 12 months, an income  
41 tax return, a deed or title to real property, or other proof of New  
42 Jersey residence, as designated by the chief administrator.

43 Applicants who are unable to provide the documents listed in  
44 paragraphs (1) through (3) of this subsection, but who are able to  
45 provide alternative documents shall be subject to a secondary  
46 review to determine whether the applicant has presented sufficient  
47 information to verify his identity, age, and residence in this State.

1 c. A person applying for a driver's license under the provisions  
2 of this act is required to pay all fees applicable for the issuance of a  
3 basic driver's license. The commission may charge the applicant an  
4 additional fee, not to exceed \$50 per driver's license, to offset the  
5 administrative costs associated with the production and distribution  
6 of driver's licenses issued pursuant to this act. This administrative  
7 fee may be assessed by the commission only until the first day of  
8 the 36th month following the effective date of this act, at which  
9 time the additional fee shall expire and a driver's license issued  
10 under this act shall be subject to the same fees applicable to the  
11 issuance of a basic driver's license.

12 d. Any person applying for a driver's license under this act who  
13 provides false documentation or who knowingly makes a false  
14 statement on an application for the purpose of obtaining a driver's  
15 license shall be guilty of falsifying government records pursuant to  
16 N.J.S.2C:21-4.

17  
18 2. a. A driver's license issued under this act shall be valid for  
19 four years from the date of issuance. While the license is valid, the  
20 holder shall have the same privileges and shall be bound by the  
21 same legal responsibilities with respect to the operation of a motor  
22 vehicle as the holder of a basic driver's license issued pursuant to  
23 this chapter.

24 b. It shall be an unlawful discrimination violation for any person  
25 to discriminate, pursuant to the provisions of paragraph (1) of  
26 subsection f. of section 11 of P.L.1945, c.169 (C.10:5-12), against  
27 an individual based upon the fact that the individual holds or  
28 presents a driver's license issued under this act.

29 c. Any public official who discriminates against an individual  
30 who holds or presents a driver's license issued under this act shall  
31 be guilty of a crime of official deprivation of civil rights under  
32 section 2 of P.L.2003, c.31 (C.2C:30-6).

33  
34 3. a. The Chief Administrator of the Motor Vehicle  
35 Commission shall adopt, pursuant to the "Administrative Procedure  
36 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), regulations concerning  
37 the form and design of the driver's license issued pursuant to this  
38 act and any other regulations necessary for the effective  
39 implementation of this act. The regulations shall require that each  
40 driver's license issued pursuant to this act include a digitized  
41 picture of the person to whom the card was issued and meet the  
42 applicable requirements for construction of driver's licenses in  
43 section 3 of P.L.1979, c.261 (C.39:3-10h). The regulations also  
44 shall require that the driver's license issued pursuant to this act  
45 contain a statement on the front of the driver's license substantially  
46 similar to the following and in the smallest font size contained on  
47 the license: "Federal Limits May Apply."

1       b. Any personal information collected by the commission from  
2 an applicant for a driver's license pursuant to the provisions of this  
3 act is subject to the same disclosure restrictions that apply to  
4 personal information collected from applicants for driver's licenses.  
5 In addition, this information shall not be considered a public record  
6 and notwithstanding the provisions of section 2 of P.L.1997, c.188  
7 (C.39:2-3.4), shall not be disclosed to any federal, State, or local  
8 governmental entity without probable cause or a valid warrant.

9       c. A driver's license issued pursuant to this act shall not be  
10 considered evidence of an individual's citizenship or immigration  
11 status and shall not be used as a basis for an investigation, arrest,  
12 citation, or detention.

13       d. On the first day of the 48th month following the effective date  
14 of this act, the Chief Administrator of the Motor Vehicle Commission  
15 shall submit to the Governor and the Legislature a report evaluating  
16 the effectiveness of the issuance of the driver's licenses issued  
17 pursuant to this act. The report shall provide data on the number of  
18 convictions for violations of subsections b. and c. of section 2 of P.L. ,  
19 c. (C. ) (pending before the Legislature as this bill) and  
20 subsection d. of section 1 of P.L. , c. (C. ) (pending before  
21 the Legislature as this bill). Information pertaining to the identity of  
22 any specific individual shall not be provided in the report.

23

24       4. The Chief Administrator of the Motor Vehicle Commission  
25 shall establish and conduct a public education campaign to inform  
26 the public about the availability of driver's licenses issued pursuant  
27 to this act and the requirements for obtaining such a license.

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29       5. This act shall take effect on the first day of the seventh month  
30 following enactment, but the Chief Administrator of the Motor  
31 Vehicle Commission may take such administrative action in  
32 advance of the effective date as may be necessary.

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#### STATEMENT

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37       This bill establishes driver's licenses for New Jersey residents  
38 who cannot prove lawful presence in the United States.

39       Specifically, under the provisions of this bill, the Motor Vehicle  
40 Commission (MVC) is required to issue a driver's license to a  
41 person who satisfies the requirements for the issuance of a basic  
42 driver's license but cannot prove lawful presence in the United  
43 States.

44       Under the bill, each applicant is required to submit to the MVC  
45 proof of identity, date of birth, and residency in this State. The bill  
46 specifies certain documents that the chief administrator may accept,  
47 in addition to any other documents determined to be appropriate by  
48 the chief administrator. The bill provides that applicants who are

1 unable to provide the listed documents, but who are able to provide  
2 alternative documents, are to be subject to a secondary review to  
3 determine whether the applicant has presented sufficient evidence.

4 A person applying for this driver's license is required to pay all  
5 fees applicable to the issuance of a basic driver's license and the  
6 commission may charge an additional fee, not to exceed \$50 per  
7 license, to offset administrative costs associated with the production  
8 and distribution of the driver's license. This fee is to expire 36  
9 months after the effective date of the bill. Under the bill, the  
10 driver's license is valid for four years.

11 The bill provides that the commission is required to adopt  
12 regulations concerning the form and design of the driver's license,  
13 which is to include a digitized picture of the person to whom the  
14 card was issued and a statement on the front of the driver's license  
15 substantially similar to the following and in the smallest font size  
16 contained on the license "Federal Limits May Apply."

17 Any personal information collected from the commission is  
18 subject to the same disclosure restrictions that apply to personal  
19 information collected from applicants for driver's licenses. In  
20 addition, this information is not to be considered a public record  
21 and is not to be disclosed to any federal, State, or local  
22 governmental entity without probable cause or a valid warrant. The  
23 bill also provides that a driver's license issued under the provisions  
24 of the bill is not to be considered evidence of an individual's  
25 citizenship or immigration status and is not to be used as a basis for  
26 an investigation, arrest, citation, or detention.

27 In addition, under the provisions of this bill, is it an unlawful  
28 discrimination violation for any person, pursuant to the provisions  
29 of section 11 of P.L.1945, c.169 (C.10:5-12), to discriminate  
30 against an individual based upon the fact that the individual holds  
31 or presents a driver's license issued under this bill. In addition, any  
32 public official who discriminates against a person who holds or  
33 presents a driver's license issued under this bill is guilty of the  
34 crime of official deprivation of civil rights. The bill also provides  
35 that an applicant for a driver's license who provides false  
36 documentation or who knowingly makes a false statement on an  
37 application for the purpose of obtaining this driver's license is  
38 guilty of falsifying government records.

39 The bill requires the chief administrator to submit a report to the  
40 Governor and the Legislature evaluating the effectiveness of the  
41 issuance of driver's licenses under this bill. Finally, under the  
42 provisions of the bill, the chief administrator is required to establish  
43 and conduct a public education campaign to inform the public about  
44 the availability of the driver's license issued under this bill and the  
45 requirements for obtaining such a license.