

SENATE, No. 2925

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MAY 14, 2015

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator M. TERESA RUIZ

District 29 (Essex)

Co-Sponsored by:

Senators Cunningham, Pou, Lesniak, Stack and Weinberg

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/6/2015)

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
13 who 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
25 person to discriminate, pursuant to the provisions of paragraph (1)
26 of subsection f. of section 11 of P.L.1945, c.169 (C.10:5-12),
27 against an individual based upon the fact that the individual holds
28 or 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
19 P.L. , 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
30 month following enactment, but the Chief Administrator of the
31 Motor 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.