

2006 State Driver's License Legislation

This table is current as of December 30, 2006. Information was compiled by the National Immigration Law Center from state bills and information provided by state advocates. Note that additional bills will likely be introduced, and the status and content of current bills are likely to change. Contact state legislators or advocates for more information. To suggest corrections or additions to this table, contact Tyler Moran at moran@nilc.org.

STATE	NUMBER & INTRO DATE*	SUMMARY	STATUS / COMMENTS
AK	SB 189 4-27-05 (HB 290)	<ul style="list-style-type: none"> ➤ Codifies lawful presence requirement. Limits eligibility for DLs to U.S. citizens, lawful permanent residents, and conditional residents. The department may not issue an original or duplicate driver's license to a person who has not presented (a) documentary evidence of lawful presence in the U.S. or (b) in-person valid documentary evidence of legal status. ➤ The department may, by regulation, specify what is acceptable evidence of lawful status; however a <i>matrícula consular</i> may not be accepted. ➤ www.legis.state.ak.us/basis/get_bill_text.asp?hsid=SB0189B&session=24 	Bill is dead.
CA	SB 1160 1-10-06	<ul style="list-style-type: none"> ➤ Provides that no later than 240 days after DHS approves the state's REAL ID implementation plan, a DL acceptable by federal agencies for official purposes under the federal REAL ID Act will be issued to drivers who can meet the requirements of that law. ➤ Provides that a certificate that is not acceptable by federal agencies for official purposes under the federal REAL ID Act will be issued to drivers who do not meet those requirements. 	Bill is dead.
	Incorporated as SB 1162 8-24-06	<ul style="list-style-type: none"> ➤ Provides that, upon full funding by the federal government, a DL acceptable by federal agencies for official purposes under the federal REAL ID Act will be issued to drivers who can meet the requirements of that law. ➤ Provides that a certificate that is not acceptable by federal agencies for official purposes under the federal REAL ID Act will be issued to drivers who do not meet those requirements. 	Vetoed by governor.
CT	SB 60 2-14-05	<p>Implements the REAL ID Act. Immigrant-specific provisions are as follow:</p> <ul style="list-style-type: none"> ➤ Requires DL applicants to prove they are in the lawful immigration statuses required by REAL ID. ➤ Creates a "temporary DL" for certain lawful immigrants as required by REAL ID. ➤ Prohibits foreign documents, except passports, from being accepted as proof of identity for purposes of obtaining a DL. 	Bill is dead.

* Bill number and the date it was introduced.

ABBREVIATIONS: DHS: Dept. of Homeland Security • DL: driver's license • DMV: Department of Motor Vehicles • ID: identification • ITIN: Individual Taxpayer Identification Number • LPR: lawful permanent resident • MOU: memorandum of understanding • SAVE: Systematic Alien Verification for Entitlements system • SOS: secretary of state • SSA: Social Security Administration • SSN: Social Security Number • USCIS: U.S. Citizenship and Immigration Services

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FL	HB 7079 3-7-06	<ul style="list-style-type: none"> ➤ Defines “temporary license” as a document that authorizes an individual to drive a motor vehicle, and denotes that the holder is permitted to stay in the U.S. for a short duration of time as specified on the temporary DL, and is not a permanent resident. ➤ List of documents to prove ID for purposes of obtaining a DL expanded to include evidence that an application is pending for adjustment of status to lawful permanent residence or conditional permanent residence. Evidence must include a visa number with a current priority date for processing by USCIS. ➤ Amends the law regarding expiration of nonimmigrants’ DLs from expiration of their authorization in the U.S. or two years, whichever occurs first, to expiration of their authorization in the U.S. or <u>one</u> year, whichever occurs first. 	Signed by governor, 6-22-06 — Chapter 2006-290.
GA	SB 172 2-14-05	<ul style="list-style-type: none"> ➤ DLs will be restricted to otherwise-eligible U.S. citizens, LPRs, or conditional residents. All other lawful immigrants will receive a “temporary license.” ➤ Temporary DL will be valid only for the length of the applicant’s authorized stay in the U.S. If there is no definite end to the applicant’s authorized stay, the temporary DL will be valid for one year. ➤ Temporary DLs shall clearly indicate that they are temporary and shall display their expiration date. ➤ Temporary DLs can be renewed only upon proof that the status by which the immigrant initially qualified for the temporary DL has been extended. 	Bill is dead.
IL	HB 4748 1-13-06	<ul style="list-style-type: none"> ➤ Authorizes the secretary of state, in compliance with the REAL ID Act, to issue “driving certificates” to applicants who are ineligible to obtain a DL in IL. The certificate must state on its face that it cannot be accepted by any federal agency as identification and must use a unique design or color that shall visually distinguish it from DLs. ➤ Applicants for a driving certificate must (1) provide an ITIN; (2) file an affidavit with the secretary of state (SOS) that the applicant will file an application to become an LPR at the earliest opportunity the applicant is eligible to do so; (3) provide a valid foreign passport and any additional documents as the SOS may determine; (4) file with the SOS proof provided to the applicant by the IL State Police that a set of the applicant’s fingerprints has been collected (costs associated with this fingerprinting shall be paid by the applicant at the time of collection); and (5) surrender all illegally obtained forms of DLs or state ID cards issued to the applicant by the SOS (no applicant will be subject to civil or criminal prosecution, and the SOS shall not maintain records of such documents). ➤ The SOS shall provide to the Dept. of Revenue (DOR) all information, including the ITIN, captured on the application. If the DOR determines that the applicant is not in compliance with any applicable tax laws, the DOR shall request that the SOS suspend or revoke the driving certificate. ➤ A person denied a driving certificate may seek review under the Administrative Review Law. ➤ A certificate may not be used to obtain a firearm owner’s ID card and may not be used to obtain a DL in another state. A driving certificate holder must, within 30 days of receiving a certificate, provide to the SOS proof of insurance and is subject to the law’s mandatory insurance requirements. ➤ The SOS, in conjunction with the IL State Police, will establish administrative procedures for determining and identifying ineligible firearm owner’s ID card applicants using information provided to the SOS through the DL application process. ➤ The SOS shall establish an additional fee for driving certificates that is not less than \$50. This additional fee will be deposited into the 	Bill is dead.

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		Immigrant License Fund and will be used to pay for the increase in cost associated with the driving certificate and specialized verification procedures.	
IN	HB 1310 1-12-06	<ul style="list-style-type: none"> ➤ Codifies lawful presence requirement. ➤ Directs the DL agency to accept a distinguishing identifying number (to be determined) for applicants who do not have an SSN. ➤ Creates a "driving certificate" for applicants unable to prove U.S. citizenship or lawful presence. ➤ The driving certificate may not be used as ID for federal purposes. ➤ The driving certificate must include the words "NON-CITIZEN" and "Not to be used for federal identification purposes" on the face of the document. ➤ The driving certificate is valid for one year. ➤ Applicants for a driving certificate will be subject to a service charge. ➤ Requires certain law enforcement officials to report to the USCIS the arrest of an individual holding a driving certificate. 	Bill is dead.
	HB 1070 1-12-06	<ul style="list-style-type: none"> ➤ Applicants without an SSN must have their ineligibility verified by the driver's license agency and prove their identity and lawful presence. ➤ DLs issued to non-U.S. citizens must be clearly identified as temporary. ➤ DL will be valid only for the length of the applicant's authorized stay in the U.S. If there is no definite end to the applicant's authorized stay, the DL will be valid for one year. 	Bill is dead.
KS	HR 6013 2-20-06	<ul style="list-style-type: none"> ➤ Resolution calling on Congress to repeal the Real ID Act portion of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Tsunami Relief, 2005. 	Resolution is dead.
KY	SJR 232 3-1-06	<p>Resolution that calls for the following:</p> <ul style="list-style-type: none"> ➤ That the Transportation Cabinet, the Kentucky Justice Cabinet, and the Administrative Office of the Courts study all aspects of the issuance of DLs, especially as it relates to the implementation of the REAL ID Act. ➤ That the secretary of the Transportation Cabinet shall appoint a panel in consultation with the chief justice of the Supreme Court of Kentucky to conduct this study. ➤ That the panel shall include, at a minimum, personnel from the Administrative Office of the Courts, the Transportation Cabinet, technology personnel familiar with the motor vehicle registration database and system, technology personnel familiar with the DL database and system, local elected officials involved with the issuance of motor vehicle documents and DL documents to the residents of the Commonwealth, and other personnel deemed to be appropriate by the secretary of Transportation. ➤ That a report identifying all statutory changes, budgetary concerns, logistical issues, a timetable for achieving full implementation of the REAL ID Act, and other issues developed by the panel shall be made to the governor, the chief justice, and the Legislative Research Commission no later than Sept. 30, 2006. 	Resolution is dead.

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	SB 248 3-1-06	<ul style="list-style-type: none"> ➤ Creates a “certificate for driving” for non–U.S. citizens who are not eligible for a DL. ➤ The certificate must be distinguishable from other DLs and must display the following phrase: “For Driving Purposes Only – Not Valid for Identification.” ➤ Certificates must contain a unique identifying number, distinguishable from the number system for DLs. The DL agency must keep a database of all certificate-holders with their driving histories. This database will be available to the State Police and any peace officer charged with the duty of enforcing traffic laws. ➤ Certificate applicants to do not have to present an SSN. 	Bill is dead.
	HCR 208 2-23-06	<p>Resolution that calls for the following:</p> <ul style="list-style-type: none"> ➤ That the Kentucky General Assembly urge the Kentucky congressional delegation to support measures to repeal the REAL ID Act of 2005. ➤ That the Kentucky General Assembly shall not encourage the misuse of DL information by contracting with private parties who purchase and collect such information for resale purposes. ➤ That the Kentucky General Assembly shall encourage the attorney general of Kentucky to review the security and privacy protections surrounding all personal information collected by Kentucky and to recommend improvements to those procedures. 	Resolution is dead.
ME	LD 501 2-1-05	<ul style="list-style-type: none"> ➤ Eliminates the following expired documents as proof of identification in obtaining a DL: an immigration visa, a foreign document, or a foreign passport. 	Signed by governor, 2-10-06 — Chapter 469.
MD	HB 885 2-8-06	<ul style="list-style-type: none"> ➤ Prohibits a person from allowing his or her car to be driven on a highway by an individual whom the person knows is not lawfully in the U.S. ➤ Provides for a one-year suspension of the driver’s license of any person who allows an immigrant not lawfully in the U.S. to drive his or her car. Person may also be fined up to \$500, and his/her motor vehicle must be forfeited to the state. 	Bill is dead.
	HB 899 2-8-06	<ul style="list-style-type: none"> ➤ A DL issued to a non–U.S. citizen must include a photograph of the individual showing only the individual's profile. ➤ Applicants must state citizenship on DL application. 	Bill is dead.
	HB 1443 2-10-06	<ul style="list-style-type: none"> ➤ Imposes lawful presence requirement. ➤ A DL may be issued to an immigrant whose immigration status has expired only if the applicant can prove that an application has been filed to change his or her immigration status, and a final determination on the application has not yet been made by USCIS. In this case, the DL will be valid for a one-year period. ➤ DL must expire with authorized stay in U.S. 	Bill is dead.

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MA	HB 2129 / SB 1974 1-5-05	➤ Eliminates lawful presence requirement.	Bill is dead.
	HB 2190 1-5-05	➤ Codifies lawful presence requirement. ➤ DL will be valid only for the length of the applicant's authorized stay in the U.S. ➤ Requires that all DL applicants present an SSN.	Bill is dead.
	HB 2191 1-5-05	➤ Codifies lawful presence requirement. ➤ DL will be valid only for the length of the applicant's authorized stay in the U.S. ➤ Requires that all DL applicants present an SSN.	Bill is dead.
	HB 2192 1-5-05	➤ Codifies a lawful presence requirement for DLs and learner's permits. ➤ Instructs the DL agency to issue a temporary DL when there is reasonable reason to assume a document presented as proof of identity is false, until the authenticity of the document can be verified. ➤ DL will be valid only for the length of the applicant's authorized stay in the U.S. ➤ Provides penalties for submitting false or misleading information for the purpose of obtaining a DL.	Bill is dead.
MI	HB 4769 / HB 4869 5-11-05 / 6-7-05	Implements the REAL ID Act. Immigrant-specific provisions are as follow: ➤ Requires DL applicants to prove they are in the lawful immigration statuses required by REAL ID. ➤ Creates a "temporary DL" for certain lawful immigrants ineligible for a REAL ID DL. ➤ Requires applicants not eligible for an SSN to verify that they are ineligible.	Bill is dead.
	HB 4822 5-24-05	➤ Imposes a lawful presence requirement.	Bill is dead.
	SB 844 10-25-05	➤ Imposes a lawful presence requirement. ➤ Requires the secretary of state to verify applicants' SSNs with the SSA. ➤ DL will be valid only for the length of the applicant's authorized stay in the U.S.	Bill is dead.
	SR 119 4-19-06	➤ Resolution calling on Congress to fund all state activities mandated by the REAL ID Act and to establish federal regulations that protect the homeland while preserving civil liberties.	Bill is dead.
	SCR 43 4-20-06	➤ Resolution that urges the DHS to continue to work with Michigan to coordinate DL eligibility with the new passport requirements regarding reentering the U.S. from Canada.	Bill is dead.

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	HB 6085 5-18-06	<ul style="list-style-type: none"> ➤ Imposes a lawful presence requirement. ➤ Prohibits the secretary of state from issuing a DL to (1) a person who is unable to understand highway warnings or direction signs in English and (2) a foreign exchange student. ➤ U.S. citizens must state their citizenship status on the DL application. ➤ DL will be valid only for the length of the applicant's authorized stay in the U.S. 	Bill is dead.
MN	HF 3014 3-1-06	<ul style="list-style-type: none"> ➤ Codifies lawful presence requirements. ➤ Gives the DL agency the authority to adopt standards issued by DHS regarding identity and residency documentation. ➤ Requires that all documents submitted be translated into English. ➤ DLs will be valid only for the length of the applicant's authorized stay in the U.S. DL will contain a "status check" date that indicates the expiration date. ➤ Prohibits the DL agency from issuing a DL to a non-U.S. citizen with a visa that expired less than 30 days from the time of application. 	Bill is dead.
	HF 3308 / SF 3117 3-9-06 / 3-13-06	<ul style="list-style-type: none"> ➤ Codifies lawful presence requirements. ➤ DLs will be valid only for the length of the applicant's authorized stay in the U.S. DL will contain a "status check" date that indicates the expiration date. ➤ Prohibits the DL agency from issuing a DL to a non-U.S. citizen with a visa that expired less than 30 days from the time of application. 	Bill is dead.
MS	HB 927 1-16-06	<p>Implements certain sections of the REAL ID Act. Immigrant-specific provisions are as follow:</p> <ul style="list-style-type: none"> ➤ Requires DL applicants to prove they are in the lawful immigration statuses required by REAL ID. ➤ Creates a temporary DL for immigrants ineligible for a REAL ID DL. ➤ Requires applicants who are ineligible for an SSN to submit verification that they are ineligible. 	Bill is dead.
	HB 1224 1-16-06	<p>Implements certain sections of the REAL ID Act. Immigrant-specific provisions are as follow:</p> <ul style="list-style-type: none"> ➤ Limits DL eligibility to certain lawful immigration categories. ➤ Creates a temporary DL for immigrants ineligible for a REAL ID DL. ➤ Creates a driving certificate for immigrants eligible for REAL ID DL and a temporary DL if they meet state residency and ID requirements. ➤ Requires applicants who are ineligible for an SSN to submit verification that they are ineligible. 	Bill is dead.
	HB 1264 1-16-06	<ul style="list-style-type: none"> ➤ Makes it unlawful to sell a motor vehicle to a person not lawfully in the U.S. ➤ Residents cannot register a vehicle without presenting a valid Mississippi DL. 	Bill is dead.
	SB 2931 1-16-06	<ul style="list-style-type: none"> ➤ Requires DL agency staff to be retrained on accepting civil rights complaints. ➤ Allows an applicant who was never issued an SSN to submit an affidavit, under penalty of perjury, affirming that he or she has never 	Bill is dead.

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		<p>been issued an SSN.</p> <ul style="list-style-type: none"> ➤ Amends the documentation requirements to prove state residency. ➤ Creates a “certificate for driving.” The certificate is valid only during the time of the driver’s authorized stay in the U.S. If the applicant cannot demonstrate lawful presence in the U.S., the certificate is valid for one year. ➤ The “certificate for driving” must be distinguishable from a DL and must say on its face: "FOR DRIVING PURPOSES ONLY – NOT VALID FOR IDENTIFICATION." 	
MO	HB 1704 / SB 1109 2-8-06 / 2-27-06	➤ Exempts persons 65 years of age or older from the lawful presence requirements for renewal of driver's licenses.	Bill is dead.
	HB 1725 2-9-06	➤ Provides victims of domestic violence a temporary DL if the applicant can present a certified letter issued by a domestic violence shelter asserting that the victim has no means of documenting her lawful presence. The temporary DL is valid only for six months.	Bill is dead.
	HB 1780 2-15-06	➤ Exempts persons born after 1-1-41 from the lawful presence requirements for renewal of driver's licenses.	Bill is dead.
	HB 1918 (Incorporated into HB 1340) 3-2-06	<ul style="list-style-type: none"> ➤ Exempts the following persons from the lawful presence requirement for renewal of driver’s licenses: <ol style="list-style-type: none"> 1. Applicants who submit a Certificate of Release of Discharge from Active Duty, DD Form 214, noting honorable discharge; 2. Applicants who previously held, for a period of 15 years or more, a DL; and 3. Applicants who are age 65 or older and who were previously issued a Missouri DL. ➤ If any federal law or regulation prohibits or restricts such an exemption or would result in the loss of federal funding, the director of revenue shall apply for any federal waiver necessary to allow veterans to utilize a Certificate of Release or Discharge from Active duty in lieu of the requirements for submission of a birth certificate. 	Bill is dead.
	SB 1001 2-2-06	<ul style="list-style-type: none"> ➤ Exempts persons 65 years of age or older from the lawful presence requirements for renewal of driver's licenses. ➤ Applicants for renewal of a DL who cannot prove lawful presence may be issued a one-year driver’s license. The one-time renewal may only be issued to an applicant who previously held a MO DL. No further renewal will be provided without the applicant producing proof of lawful presence. 	Signed by governor, 6-14-06.
	HB 1920 3-2-06	➤ Exempts persons born after 1-1-1941 from the lawful presence requirements for renewal of driver's licenses.	Bill is dead.

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NE	LR 322 3-30-06	<ul style="list-style-type: none"> ➤ Resolution requiring the TTC of the Legislature to do a study to analyze the REAL ID Act's rules and regulations including the following: how the act may alter the business practices of the DMV; how the act may affect the staffing, facilities, training, and equipment currently used for the manufacturing and issuance of DL and ID cards; how the federal government intends to implement the five verification systems mandated by the act; and an estimate of the costs related to the act. ➤ That a report of its findings and recommendations be made to the Legislative Council or Legislature. 	Resolution is dead.
NH	HB 273 1-6-05	<ul style="list-style-type: none"> ➤ Expands the categories of temporary immigrants eligible for a DL. ➤ DL will be valid only for the length of the applicant's authorized stay in the U.S. ➤ Refugees and LPRs may be issued a DL only for a time period not to exceed five years. ➤ DLs issued to temporary immigrants must be clearly distinguishable from other DLs. 	Bill is dead.
	HB 347 1-26-05	<ul style="list-style-type: none"> ➤ Requires DL to indicate whether or not the licensee is a U.S. citizen 	Bill is dead.
	SB 221 2-3-05	<ul style="list-style-type: none"> ➤ Authorizes the Department of Safety to require proof of ID from a DL applicant. Documents that must be accepted by the department include a current U.S. passport, an armed services ID, or other photo ID issued or authenticated by the U.S. government, and a photo ID issued by the state of NH. ➤ Authorizes the Department of Safety to require proof of state residence from a DL applicant. The following documents will satisfy the residency requirement if they show the name and address of the applicant: A government check or a government document issued by an official in the municipality of residence; a paycheck, payroll document, or employment contract; a lease or deed; and other documents issued in the ordinary course of business that establish that it is more likely than not that the applicant resides at the place claimed. 	Signed by governor, 6-1-06 — Chapter 211.
	HB 1582 1-4-06	<ul style="list-style-type: none"> ➤ Finds the public policy established by the REAL ID Act is "contrary and repugnant" to the New Hampshire and U.S. constitutions. ➤ States that New Hampshire will not participate in a "national identification card system" or implement the REAL ID Act. 	Bill is dead.
	Senate amendment to HB 1582 5-4-06	<ul style="list-style-type: none"> ➤ Establishes a commission to study the REAL ID Act. ➤ The commission must examine the state implications of adopting the REAL ID Act, including the requirements of the legislation, compliance deadlines, and federal funding opportunities. The commission must also assess the cost and benefit of New Hampshire's participation or nonparticipation in the national identification card system established by the act. ➤ The commission must report its findings and any recommendations for proposed legislation to the president of the Senate, the speaker of the House of Representatives, the Senate clerk, the House clerk, the governor, and the state library on or before Nov. 1, 2006. 	Bill is dead.
	SCR 8 1-17-06	<ul style="list-style-type: none"> ➤ Resolution that declares the state of New Hampshire's opposition to the REAL ID Act and urges Congress to repeal it. 	Bill is dead.

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NJ	A 2607 2-23-06	<ul style="list-style-type: none"> ➤ Creates a “driving privilege card” for people who can’t prove their identity or lawful presence in the U.S. ➤ The driving privilege card is valid for one year from the date of issue, but the driver’s license agency may set a date for the card's expiration that is less than one year. ➤ Applicants for a driving privilege card must: (1) surrender a DL issued by another state or affirm in writing that the applicant does not possess a DL issued by another state; (2) prove state residency; and (3) affirm that the applicant is of legal age to operate a motor vehicle. ➤ The driving privilege card will not be accepted as a form of ID and must contain a conspicuous statement substantially similar to the following: “This card entitles the person pictured to operate a motor vehicle. Not for federal identification purposes.” ➤ Allows the DL agency to charge an additional fee for the driving privilege card. ➤ Requires the DL agency to issue regulations concerning the form and design of the driving privilege card, including a digitized picture of the person to whom the card was issued. ➤ Requires the driver’s license agency to conduct a public education campaign to inform the public about the availability of driving privilege cards and the requirements for obtaining such a card. 	In committee.
	SR 74 4-28-06	<ul style="list-style-type: none"> ➤ Resolution calling on the DHS to implement regulations for the REAL ID Act to ensure that states have direct links to verifiable, timely, and accurate data regarding immigration status, duration of stay, and application filings. 	In committee.
NM	SB 622 1-27-06	<ul style="list-style-type: none"> ➤ Requires immigrant DL applicants to submit the following: (1) a certified copy of the applicant's driving record, together with an English language translation of the record if it is in another language, from each jurisdiction where the applicant is currently or was previously licensed; and (2) a full set of fingerprints to be used for a nationwide identity verification background check that uses any international, federal or state repository of appropriate identification information. Applicants who are lawfully in the U.S. do not have to submit fingerprints. The results of the background check shall be used solely to verify the applicant's identity. An applicant's failure to provide required or correct information in the application may result in cancellation of the DL. ➤ DLs issued before implementation of the fingerprint requirement will no longer be valid unless the licensee submits a full set of fingerprints for a background check as described above. The licensee will be required to submit a full set of fingerprints no later than the first business day of the month in which the licensee's license expires. ➤ Applicants required to submit fingerprints must pay an additional fee. 	Bill is dead.
	SB 748 2-1-06	<p>Implements certain sections of the REAL ID Act. Immigrant-specific provisions are as follow:</p> <ul style="list-style-type: none"> ➤ Eliminates the ITIN as an alternative to the SSN; requires that if the applicant is ineligible for an SSN, he or she must present proof of this. ➤ Requires DL applicants to prove that they are in the lawful immigration statuses required by REAL ID. ➤ Eliminates all foreign documents, except a foreign passport, as proof of identification. 	Bill is dead.

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	HB 852 2-7-06	Implements certain sections of the REAL ID Act. Immigrant-specific provisions are as follow: <ul style="list-style-type: none"> ➤ Eliminates the ITIN as an alternative to the SSN; requires that if the applicant is ineligible for an SSN, he or she must present proof of this. ➤ Requires DL applicants to prove that they are in the lawful immigration statuses required by REAL ID. ➤ Eliminates all foreign documents, except a foreign passport, as proof of identification. 	Bill is dead.
NY	AB 24a 1-05-05	<ul style="list-style-type: none"> ➤ Immigrant applicants who cannot satisfy the ID requirements may still obtain a DL if they are a citizen of a country that maintains diplomatic relations with the U.S., are not a threat to the U.S. as determined by the U.S. government, and their country is not on a list of terrorist countries maintained by the U.S. government. In order to obtain a DL, the applicant must: <ol style="list-style-type: none"> 1. Present a current ID card issued to the applicant by the embassy or consulate of his or her country of citizenship. The ID card must contain a digital image of the applicant and have been produced using security measures and features to prevent tampering or counterfeiting that satisfy standards prescribed by the DMV. The DMV may accept an alternative to the consular identification card if the person can present a passport, national ID card, or other similar official proof of ID issued by the applicant's country. 2. Present a second form of ID, in addition to the consular ID card, which is subject to approval by the DMV and which may include, but not be limited to, an employer identification card issued by the U.S. government or an ITIN. 3. Submit proof, to the satisfaction of the DMV, of an established presence in NY for at least 6 months during the 5 years preceding the date of application for a driver's license in NY; utility bills; bank or similar financial records; or salary warrants. 4. Affirm to the DMV that he or she has not been convicted of any crime that would constitute a felony in NY and is not wanted for a crime that would constitute a felony in NY by any criminal authorities in the country of citizenship or in the U.S. 5. Document the necessity to operate a motor vehicle for employment, business, occupational, educational, medical, or religious reasons; for support of the applicant or the applicant's family; or other similar reasons prescribed by the DMV. ➤ Before issuing a DL, the DMV must: <ol style="list-style-type: none"> 1. Receive from the embassy or consulate of the applicant's country of citizenship the following information about the applicant available from official records maintained by the government of that country: (1) documentation that the applicant has not been convicted of a crime in that country that would constitute a felony in NY and is not wanted for any crime that would constitute a felony in NY by the country's national criminal authorities or by the criminal authority of state, province, or similar jurisdiction in the country; (2) a certified copy of the applicant's official driving record, if available, from his or her country of citizenship; (3) certification by the embassy or consulate that the form of ID submitted by the applicant is legitimate. If the form of ID submitted by the applicant is an ID card issued by the embassy or consulate, the DMV must receive from the embassy or consulate a certification of the legitimacy of any underlying documents that the embassy or consulate relied upon in issuing the ID card to the applicant. An applicant for a DL under this section must arrange for the embassy or consulate to submit the information directly to the DMV on behalf of the applicant. 2. Receive a certification from the embassy or consulate of the applicant's country of citizenship that the country maintains a security system to prevent the issuance of multiple identities to one individual. The DMV may use a single certification as a basis for processing multiple applications for DLs to individuals from the same country. A certification, however, expires two years after the date an embassy or consulate submits it to the DMV. When the certification expires, the DMV may not issue or renew a DL for a foreign national from that country of citizenship until the department receives a new certification. 	Bill is dead.

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		<ul style="list-style-type: none"> 3. Verify as necessary through the USCIS that the applicant is not subject to an order of deportation. 4. Conduct a criminal background check through the division of criminal justice services and the FBI. 5. Verify through the division of criminal justice services and the FBI that the applicant is not a security risk to NY or the U.S. ➤ A DL issued by the department under this section: <ul style="list-style-type: none"> 1. Must indicate the individual's immigration status through the magnetic strip on the back of such DL, or shall be provided for by license classification. 2. Is valid for a period not to exceed three years following the date the DMV issues the permit. 3. Is valid for use in NY only and must include a statement prominently placed that the DL is valid for use in NY only. ➤ A foreign national who is issued a DL may apply to the DMV to renew the DL if the foreign national otherwise qualifies for renewal under this chapter. The DMV may renew a DL for a period not to exceed 3 years if: (a) the applicant for renewal of a DL submits proof of ID; (b) the DMV conducts a criminal background and security check of the individual; (c) the DMV verifies through USCIS that the applicant is not subject to an order of deportation; and (d) the DMV verifies with the division of criminal justice services and the FBI that the applicant is not a security risk to NY or the U.S. ➤ The DMV may not issue or renew a DL if the applicant has been convicted of a crime in the U.S. or in any other country which would be classified as a felony in NY. ➤ Foreign national applicants meeting the requirements must show proof satisfactory to the DMV. All DLs issued under this bill shall be subject to the penalty provisions of the DMV statute for any violation of such section which occurs with respect to such a DL. ➤ A person in possession of a DL must provide it to a law enforcement officer upon request. A law enforcement officer having a reasonable belief that a person possesses, or is using, a license in violation of this section or any other law may seize the DL. A person from whom a law enforcement officer seizes a DL does not have a cause of action against the law enforcement officer. ➤ The DMV may cancel any DL issued upon determining that the foreign national is no longer entitled to the issuance of the DL. ➤ The DMV shall establish fees not to exceed \$50 above the existing fees for obtaining a DL for the initial issuance and the renewal of the DL under this section. The fees must account for costs related to conducting criminal background checks, verifying immigration status, and verifying security risks related to the applicant as required under this section. ➤ All fees collected under this section shall be deposited in the NY State Dept. of Transportation Highway Safety Program Fund. 	
	SB 136 1-06-05	<ul style="list-style-type: none"> ➤ DL must expire with the immigrant's visa if applicant is on a travel, student, or work visa. ➤ Licenses issued to applicants on travel, student, or work visas will not be renewed without proof of a valid visa. 	Bill is dead.
	SB 407 1-13-05	<ul style="list-style-type: none"> ➤ Codifies lawful presence requirement. ➤ If the DMV suspects that the applicant is not lawfully in the U.S., the DMV shall notify U.S. Immigration and Customs Enforcement. ➤ The DMV shall develop procedures for verifying applicants' lawful presence, issuing a temporary DL while an applicant's lawful presence is being verified, and appeals hearings from denials of DLs. 	Bill is dead.
	AB 611 1-18-05	<ul style="list-style-type: none"> ➤ Allows lawful immigrants to submit an ITIN in place of an SSN. 	Bill is dead.

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	AB 612a 1-18-05 (Incorporated into AB 612b, 6-7-06)	<ul style="list-style-type: none"> ➤ Eliminates lawful presence requirement. ➤ Proof of identity shall include, but not be limited to, foreign passports (visa stamps not required), USCIS documents, and consular ID documents. ➤ Applicants may present the following in place of an SSN: an ITIN; a sworn statement, made under penalty of perjury, stating that the applicant does not have an SSN or ITN; or a letter from SSA that states that the applicant is not eligible for an SSN. 	Bill is dead
	SB 1349a 1-27-05	<ul style="list-style-type: none"> ➤ Applicants may present the following in place of an SSN: an ITIN; a sworn statement, made under penalty of perjury, stating that the applicant does not have an SSN; or an ITIN, along with another acceptable identifier. ➤ Acceptable identifiers include, but are not limited to, a foreign passport or a receipt from DHS stating that an application or petition has been submitted, an approval notice from DHS stating that an application or petition has been received, or an application for extension of Form I-94 to extend an applicant's legal presence. The commissioner shall consider the following acceptable forms of applications or petitions: petition for alien relative (I-130); immigrant petition for alien worker (I-40); petition for Amerasian, widow or widower, or special immigrant (I-360); application to register permanent residence or to adjust status (I-485); immigrant petition by alien entrepreneur (I-526); registration for classification as a refugee (I-590); application to adjust status from temporary to permanent resident (I-698); application for voluntary departure under the family unity program (I-817); Nicaraguan and Central American Relief Act; Suspension of Deportation or application for special rule cancellation of removal (I-881); application for an extension of an I-94; or any other federal documentation used to obtain lawful immigration status. 	Bill is dead
	AB 2879 1-28-05	<ul style="list-style-type: none"> ➤ DL must expire with applicant's immigration visa, or on the date the DL would otherwise expire, whichever date occurs first. 	Bill is dead.
	AB 3918 2-07-05	<ul style="list-style-type: none"> ➤ Applicants applying to renew their DL do not have to provide an SSN. 	Bill is dead.
	AB 4239 2-09-05	<ul style="list-style-type: none"> ➤ All DL applicants must prove an ability to read, write, understand and speak English. DL examinations will be given only in English. 	Bill is dead.
	AB 7117 4-06-05	<ul style="list-style-type: none"> ➤ Directs the DMV to develop rules regarding acceptable documentation that an applicant is ineligible for an SSN. Such documentation shall include, but not be limited to: a letter from SSA; an ITIN; a sworn statement from the applicant. In addition, applicants must present one of the following: a foreign passport (no visa required), a consular ID document, official immigration documents, or an ITIN. ➤ Requires DMV to notify all licensees whose DL was suspended from Jan. 2004 to Dec. 2004 because of a lack of an SSN to reinstate the DL if the person can submit the documentation required above 	Bill is dead.
	AB 7529 4-20-05	<ul style="list-style-type: none"> ➤ Directs the commissioner of the DL agency to prepare a report relating to its policy and practice relating to the suspension, revocation, cancellation, non-renewal and denial of any DLs that is related to the applicant's SSN. 	Bill is dead.

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	AB 8232 / SB 5489 5-12-05	➤ Applicants without an SSN must prove lawful presence.	Bill is dead.
	AB 8564 5-31-05	➤ Directs the DMV commissioner to issue regulations for issuance of DLs to applicants who are not eligible for an SSN.	Bill is dead.
	AB 9332 / S 407 1-10-06	<ul style="list-style-type: none"> ➤ Codifies lawful presence requirement. ➤ Requires the DL agency to notify ICE if it suspects that an applicant is not lawfully in the U.S. ➤ Requires the DL agency to issue regulations concerning procedures for 1) verifying lawful presence; 2) issuing temporary DLs pending verification; and 3) appealing DL denials. ➤ Makes it a misdemeanor to help someone not lawfully in the U.S. obtain a DL. 	Bill is dead.
	AB 9764 2-1-06	<ul style="list-style-type: none"> ➤ Codifies lawful presence requirement. ➤ Requires the DL agency to notify ICE if it suspects that an applicant is not lawfully in the U.S. ➤ Requires the DL agency to issue regulations concerning procedures for (1) verifying lawful presence; (2) issuing temporary DLs pending verification; and (3) appealing DL denials. ➤ Makes it a misdemeanor to help someone not lawfully in the U.S. to obtain a DL. 	Bill is dead.
	AB 10336 3-16-06	<ul style="list-style-type: none"> ➤ Creates a "driving privilege card" for applicants who cannot prove lawful presence or provide sufficient identifying documentation. ➤ Before an applicant is issued a driving privilege card, he or she must surrender his or her current DL or affirm in writing that he or she does not possess a DL. ➤ Applicants must provide proof of state residence. ➤ The DL agency may charge applicants an additional fee to offset the administrative costs associated with the production and distribution of driving privilege cards. ➤ The driving privilege card is valid for one year from date of issue. ➤ The driving privilege card will not be recognized as a form of ID, except for the purpose of verifying that the holder is authorized to operate a motor vehicle while the card is valid. Driving privilege cards shall appear similar to a DL, but contain a conspicuous statement substantially similar to the following: "This card entitles the person pictured to operate a motor vehicle. Not for federal identification purposes." ➤ Directs the DL agency to promulgate regulations, including but not limited to, regulations related to the form and design of the driving privilege card and specifying documentation necessary to verify that an applicant resides in the state. 	Bill is dead.

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	SB 7388 4-21-06 (Incorporated into SB 7388a, 6-12-06)	<ul style="list-style-type: none"> ➤ Accepts the following documents as proof of identification in obtaining a DL: foreign passports with or without visa stamps; valid documentations issued by DHS; and Consular photo identification documents. ➤ Allows applicants without an SSN to submit a letter from the SSA stating that the applicant is not eligible for a SSN, or a sworn statement that the applicant is not eligible for a SSN. 	Bill is dead.
NC	S 5 / HB 40 1-26-05 / 2-2-05	<ul style="list-style-type: none"> ➤ Imposes lawful presence requirement. ➤ ITIN is eliminated as an alternative to the SSN. 	Bill is dead.
	HB 1451 4-20-05	<ul style="list-style-type: none"> ➤ Imposes lawful presence requirement. ➤ Eliminates ITIN and affidavit as alternative to SSN. ➤ Eliminates <i>matricula consular</i> as form of ID. ➤ DL expires with immigrant's visa. ➤ Anyone submitting false information to obtain a DL shall be guilty of a class I felony. 	Bill is dead.
	HB 327 2-21-05	<ul style="list-style-type: none"> ➤ Eliminates ITIN as alternative to SSN; however, the spouse or dependent of a lawfully present immigrant who is ineligible for an SSN may obtain a DL if he or she proves lawful presence. ➤ Requires DL to expire with immigration visa. 	Bill is dead.
	SB 602 3-15-05	<ul style="list-style-type: none"> ➤ Eliminates ITIN as alternative to SSN; however, immigrants who are ineligible for an SSN and can prove lawful presence may still obtain a DL. ➤ Requires DL to expire with immigration visa. 	Signed by governor, 8-27-06 — Chapter SL 2006-264
	SB 1446 5-16-06	<ul style="list-style-type: none"> ➤ Imposes lawful presence requirement. Applicants must submit proof that they are in one of the following categories: (1) a U.S. citizen; (2) lawfully admitted for permanent or temporary residence; (3) a conditional permanent resident; (4) has an approved application for asylum or has entered into the U.S. in refugee status; (5) has a valid, unexpired nonimmigrant visa or nonimmigrant status for entry into the U.S.; (6) has a pending application for asylum; (7) has a pending approved application for temporary protected status; (8) has approved deferred action status; (9) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent resident status. ➤ Eliminates ITIN as alternative to SSN; requires applicants to submit SSN or verification that the person is not eligible for a SSN. ➤ Foreign documents, other than an official passport, will not be accepted. ➤ Requires the DMV, before issuing a DL, to verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented. 	Bill is dead.

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		<ul style="list-style-type: none"> ➤ Requires the DMV to enter into an MOU with DHS to use SAVE to verify lawful presence. ➤ Requires the DMV to submit a report to the Governor and the General Assembly detailing the numbers and types of DLs applications issued and denied. ➤ Eliminates consular identification documents as proof of principle residence. ➤ DL expires with immigrant's visa. ➤ Applicants who do not have an SSN will be issued a temporary DL for 10 days while the DMV verifies the information provided by the applicant. If during the 10-day period, the DMV is unable to verify the information provided by the applicant, the DMV may issue and send to the applicant another temporary DL valid for an additional 10 days. ➤ A DL must contain physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes and a common machine-readable technology, with defined minimum data elements. ➤ The DMV must: (1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format; (2) Retain paper copies of source documents for a minimum of seven years or digital images of source documents for a minimum of 10 years; (3) If required by federal law, subject each person applying for a DL to mandatory facial image capture; (4) Establish an effective procedure to confirm or verify a renewing applicant's information; (5) Confirm with the SSA an SSN presented by an applicant. In the event that an SSN is already registered or associated with another person to whom any State has issued a DL, the DMV must resolve the discrepancy and take appropriate action; (6) Refuse to issue a DL to a person holding a DL issued by another state without confirmation that the person is terminating or has terminated the DL; (7) Ensure the physical security of locations where DLs are produced and the security of document materials and papers from which DLs are produced; (8) Subject all persons authorized to manufacture or produce DLs to appropriate security clearance requirements; (9) Establish fraudulent document recognition training programs for appropriate employees who engage in the issuance of DLs; (10) Limit the period of all DLs that are not temporary to a period that does not exceed eight years. ➤ In any case in which the State issues a DL that does not satisfy the requirements above, ensure that the license or identification card: (1) Clearly states on its face that it may not be accepted by any federal agency for any official purpose; and (2) uses a unique design or color indicator to alert the federal agency or other law enforcement personnel that it may not be accepted for any official purpose. ➤ The State must participate in the interstate compact regarding the sharing of DL data known as the 'Driver License Agreement.' To comply with this mandate, the DL database shall contain, at a minimum, all of the following information: (1) All data fields printed on DLs; and (2) Motor vehicle driver histories, including motor vehicle violations, suspensions, and points on licenses. 	
OK	HB 3119 2-06-06	<ul style="list-style-type: none"> ➤ Amends the list of documents that can be used to prove lawful presence. ➤ An applicant who is unable to provide documentation to prove lawful presence may sign an affidavit issued by the DL agency, under oath, attesting to his or her lawful presence. ➤ Applicants who provide a sworn affidavit will receive a temporary DL for 30 days or until it is determined that the applicant is not lawfully present. ➤ The DL agency must report to the U.S. and state attorney general, DHS, and any other federal office or agency designated for immigration law enforcement by DHS, the name of any person who has failed to provide proof of lawful presence. 	Bill is dead.

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OR	HB 2608 2-21-05	<ul style="list-style-type: none"> ➤ Imposes lawful presence requirement. ➤ Requires the DL agency to verify SSNs with SSA, and lawful status with DHS. ➤ DL expires with applicant's immigration visa. 	Bill is dead.
	HB 2611 2-22-05	<ul style="list-style-type: none"> ➤ Codifies SSN requirement. ➤ Grants the Dept. of Transportation the authority to accept an alternative number from applicants who do not have an SSN. ➤ Requires the Dept. of Transportation to verify SSNs with SSA and "any other number of identifying information" before issuing a DL. ➤ Grants the Dept. of Transportation the authority to maintain SSN records. 	Bill is dead.
	HB 2947 3-9-05	<ul style="list-style-type: none"> ➤ Codifies SSN requirement. ➤ Eliminates the "Statement of No Social Security Number" form as an alternative to the SSN. Requires applicants without an SSN to present a certified birth certificate showing they were born in the U.S. or were born to parents who were U.S. citizens at the time of the applicant's birth, a U.S. passport or a document showing that the applicant is a naturalized U.S. citizen. ➤ Grants the Dept. of Transportation authority to accept an alternative number from applicants who do not have an SSN if the applicant is applying for a commercial DL. ➤ Requires the Dept. of Transportation to verify all SSNs and any other identifying document before issuing a DL. ➤ DLs of temporary residents must expire on the date their "legal residency status" expires if that date is earlier than the date that the DL would otherwise expire. ➤ Grants the Dept. of Transportation the authority to maintain SSN records. 	Bill is dead.
PA	HR 735 4-26-06	<ul style="list-style-type: none"> ➤ Resolution calling on the DHS to provide assistance needed for implementation of the REAL ID Act and urging Congress to provide funding necessary for the implementation and ongoing costs of the act. 	Bill is dead.
TN	HB 2132 / SB 1050 2-17-05 / 2-3-05	<ul style="list-style-type: none"> ➤ Eliminates Certificate for Driving. ➤ Requires DL application to state country of residence and SSN or documentation demonstrating lawful presence. ➤ Requires DL applicants to bring their own interpreter when they apply for a DL. 	Bill is dead.
	HB 242 / SB 303 2-1-05	<ul style="list-style-type: none"> ➤ Would require that written driver's license exams be given only in English. 	Bill is dead.
	HB 2903 / SB 3123 2-15-06 / 2-16-06	<ul style="list-style-type: none"> ➤ Eliminates "certificate for driving." ➤ Certificates issued prior to enactment of law will remain valid until expiration date. 	Bill is dead.

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	HB 3531 / SB 3378 2-22-06 / 2-16-06	➤ Requires applicants for “certificates for driving” to prove state residency and lawful presence.	Bill is dead.
	HB 2202 / SB 497 2-17-05 / 2-2-05	<ul style="list-style-type: none"> ➤ Eliminates Certificate for Driving. ➤ Requires all applicants to present proof of U.S. citizenship, lawful presence, or authorization to work in the U.S. ➤ DL is valid only for period of time the person is authorized to work in the U.S. 	Bill is dead.
UT	HB 64 1-4-06	<ul style="list-style-type: none"> ➤ Eliminates the “driving privilege card.” ➤ Expires all “driving privilege cards” on December 31, 2006. 	Bill is dead.
VA	SB 180 1-11-06	➤ Provides that a valid, unexpired DL from any other state shall be deemed proof of lawful presence in the U.S.	Bill is dead.
	HB 1586 1-20-06	<ul style="list-style-type: none"> ➤ Creates a “certificate for driving” for applicants unable to prove lawful presence. ➤ The certificate must be clearly distinguishable from a DL through the use of a unique design or color indicator, to alert federal agencies and other law enforcement personnel that it is indicative only of driving privilege. ➤ The certificate must display on its face a phrase indicating that it may not be accepted by any federal agency for federal identification. ➤ The certificate will be valid for one year from the date of issuance and may be renewed for additional one-year periods. 	Bill is “continued to 2007.”
	SJR 47 1-11-06	<ul style="list-style-type: none"> ➤ Resolution that establishes a joint subcommittee to study the impact of implementation of the REAL ID Act on the Commonwealth of Virginia. ➤ The subcommittee must consider the impact that the REAL ID Act will have on the DL agency and its customers, the fiscal burden that will be placed on the commonwealth and its citizens, and other inconveniences due to the implementation of the REAL ID Act. 	Resolution is “continued to 2007.”
WA	HJM 4029 / SJM 8037 1-10-06 / 1-25-06	➤ Resolution calling on the president and Congress to repeal the REAL ID Act.	Bill is dead.
	SB 6680 1-18-06	<ul style="list-style-type: none"> ➤ Requires that two years after implementation of the REAL ID Act, the department shall implement a voluntary biometric matching system for DL and ID cards. ➤ The biometric system shall only be used to verify the identity of an applicant for a DL or ID card. ➤ Sets certain standards for the biometric matching system. 	Signed by governor, 3-28-06 — Chapter 292.

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WI	AB 69 2-1-05	<ul style="list-style-type: none"> ➤ Requires DL applicants to prove they are U.S. citizens or in the lawful immigration statuses required by REAL ID. ➤ DL will be valid only for the length of the applicant's authorized stay in the U.S. ➤ The DL agency will cancel an individual's DL if it is notified by a local, state, or federal government agency that the person is not lawfully in the U.S. 	Signed by governor, 3-10-06 — Act 126.
	AB 148 3-3-05	<ul style="list-style-type: none"> ➤ Imposes lawful presence requirement. Proof of lawful presence includes proof that the applicant is an LPR or conditional resident, a valid unexpired nonimmigrant visa, pending or approved application for asylum, proof of refugee status, pending or approved application for temporary protected status, approved deferred action status, or pending application for adjustment of status to LPR or conditional resident status. ➤ DLs will be cancelled if the DMV is notified that a person is not lawfully present. ➤ DL will be valid only for the length of the applicant's authorized stay in the U.S. 	Bill is dead.