

State Laws Providing Access to Driver's Licenses or Cards, Regardless of Immigration Status

MAY 2017

State	Bill No.	Date Signed	Effective Date	Description/Requirements
CA	AB 60 , as amended by SB 853 (June 20, 2014) and by AB 1660 (Sept. 19, 2014)	Oct. 3, 2013	Jan 1, 2015	Driver's license for individuals who cannot show proof of authorized presence. DMV, with input from stakeholders, to designate documents required to establish identity and state residence. "Federal Limits Apply" to appear on front of license. "This card is not acceptable for official federal purposes. This license is issued only as a license to drive a motor vehicle ..." to appear on the back. DMV may make other changes to the extent necessary to comply with REAL ID. Antidiscrimination and privacy protections.
CO	SB 13-251 , as amended by SB 194 (June 5, 2014) and SB 87 (May 31, 2014)	June 5, 2013	August 1, 2014	Driver's license or state ID card for individuals who provide proof that a Colorado income tax return was filed in the prior year and current state residence, or proof of 24 months of continuous state residence; an Individual Taxpayer Identification Number (ITIN); and a passport, consular ID card, or military ID document. DLs issued under this provision shall be marked "Not valid for federal identification, voting, or public benefits purposes." Provides licenses to individuals who are temporarily lawfully present in the U.S.
CT	HB 6495 as amended by HB 6366 (June 19, 2015)	June 6, 2013	January 1, 2015	Driver's license for individuals who cannot show proof of lawful presence or SSN, if show proof of identity, residency, affidavit promising to legalize when eligible. Excludes those who have been convicted of a felony in Connecticut. License is "for driving purposes only" and cannot be used as proof of identity for voting. Shall include an indication that the license is not acceptable for federal identification or voting purposes. Working group will examine methods of verifying foreign documents.
DE	SB 59	June 30, 2015	January 1, 2016	Driving privilege card for otherwise-eligible individuals who do not show proof of legal presence but provide proof of identity; have filed or been claimed as a dependent on Delaware taxes for 2 years; cards to be marked "Driving Privilege Only" and "Not Valid for Identification." State and federal criminal history checks are required. If an alias is identified, applicant must resolve conflict prior to becoming eligible; includes confidentiality provisions. Task force to reconvene June 1, 2016, to analyze and make recommendations for modifying or improving the program.

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DC	B20-275	Nov. 18, 2013	May 1, 2014	Driver's license, valid for 8 years, for individuals who have resided in DC for more than 6 months, have not been assigned or are ineligible for an SSN, provide proof of identity, date of birth and residency. "Not valid for official federal purposes" on face of card in smallest font size otherwise on the card. Additional changes only to make the card more similar to other licenses or to the minimum extent necessary to comply with DHS requirements. License cannot be used to consider an individual's citizenship or immigration status or as a basis for criminal investigation, arrest, or detention. Includes confidentiality provisions.
HI	HB 1007	June 30, 2015	January 1, 2016	Limited-purpose license for individuals who do not provide proof of authorized presence in the U.S. Must show proof of identity and residency. The licenses will be marked "not acceptable for official federal purposes" on the front, with language on the back confirming that the license does not establish eligibility for public benefits, employment, or voting. May be modified only to the extent needed to conform to the REAL ID Act. Includes antidiscrimination and confidentiality provisions.
IL	SB 957	Jan. 27, 2013	November 28, 2013	Temporary visitor's license for drivers ineligible for Social Security number who do not have proof of authorized presence. Must present an unexpired passport or consular ID. License may not be used for identification and must contain a notice on its face stating this in capital letters.
MD	SB 715	May 2, 2013	January 1, 2014	ID or DL for otherwise eligible individuals who do not have evidence of a lawful status or a Social Security number. Must show that filed Maryland tax return or resided in Maryland and was claimed as dependent on tax return for past two years. Not acceptable for official federal purposes. Distinguishable in color or design from other licenses/IDs. Must state on its face and in machine-readable zone that it is not acceptable by federal agencies for official purposes. May not be used to purchase a firearm.
NM	HB 99	Mar. 08, 2016	May 18, 2016	Individuals with a lawful status as defined in the REAL ID Act can apply for either a REAL ID license or a driving authorization card (DAC). Those who do not show proof of lawful status may apply only for a DAC. Must provide proof of identity, age, state residence, and an SSN or ITIN. Except as otherwise provided, the department may treat a DAC as a driver's license. DACs are marked "Not for Federal Purposes." Driver's licenses and DACs for individuals showing proof of lawful status are valid for 4- or 8-year periods or until status expires. DACs for others valid for 2 years initially, and for 4-year periods upon renewal. State ID cards available to persons without a license; REAL ID-compliant cards marked "for identification purposes only"; alternative card marked

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				“not for federal purposes.” DAC or ID card applicants who do not show proof of lawful status <i>and who do not already have a NM driver’s license or ID card</i> must provide fingerprints, which may be submitted to the Department of Public Safety to obtain criminal history record; data may be submitted to FBI for criminal background check. New applicants with an outstanding valid criminal warrant or fingerprints associated with another name, DOB, or SSN are ineligible for a DAC or ID card until the issue is resolved.
NV	SB 303	May 31, 2013	January 1, 2014	Driver authorization card available for one-year periods, for individuals who can present documents establishing proof of identity, age and residence. Distinguishable only in the minimal manner necessary to comply with REAL ID criteria. May not be used to determine eligibility for benefits.
PR	P C0900	Aug. 7, 2013	Aug. 7, 2014	Three-year provisional driver’s licenses for individuals who cannot show proof of authorized presence and who have lived in Puerto Rico for at least one year. Must present consular ID or passport. Licenses will have distinct design or color and will indicate that they are not acceptable by federal agencies for ID or other official purposes. Regulations will specify documents needed to establish identity, residence, ineligibility for a Social Security number, and will ensure that records are not used to discriminate against provisional license holders, and limiting disclosure, in the spirit of protecting confidentiality.
UT	SB 227 as amended by 2015, c. 348, § 1 and by 2016, c.29	March 8, 2005; March 30, 2015; and March 17, 2016	March 8, 2005; July 1, 2015; and May 10, 2016	One-year driving privilege card for individuals who do not present a Social Security number. Must show documents verifying identity and Utah residence. Driving privilege card is distinguished from driver’s licenses and includes the statement “FOR DRIVING PRIVILEGES ONLY—NOT VALID FOR IDENTIFICATION.” Applicants must submit fingerprints to be checked against local, state and regional criminal records databases. ICE must be notified of any new or existing criminal history information or warrants disclosed in a check of those databases. The fingerprints must be kept in a separate file for future checks of the databases.
VT	S 38 , as amended by S. 314 (June 12, 2014)	June 5, 2013	January 1, 2014	Operator’s privilege card or state ID card for individuals who cannot establish proof of legal presence, if establish name, date and place of birth. Foreign passports, consular IDs, and various documents proving Vermont residence accepted. Lawfully present individuals ineligible for a REAL ID–compliant license shall be eligible for an operator’s privilege card. Cards will be marked “not valid for federal identification or official purposes.”

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WA	HB 5008 (NOTE: driver's licenses have been available to state residents regardless of immigration status for decades)	May 16, 2017	July 23, 2017	Except for enhanced driver's licenses and ID cards, standard driver's licenses and ID cards shall be marked to comply with the REAL ID Act's requirements. Standard licenses shall be available to U.S. citizen and noncitizen state residents, regardless of their immigration status. No inferences about an individual's citizenship or immigration status can be made based on the type of license presented, and a standard license cannot be used as a basis for investigation, arrest or detention. Applicants must present proof of identity as established by the department. Current list of acceptable documents is posted on the department's website .