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# SB 957: Frequently Asked Questions

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### What is a Temporary Visitor Driver's Licenses (TVDL)?

The TVDL is an existing document that is now available to many foreign-born individuals living in Illinois. Since 2005, Illinois has issued TVDLs to individuals who do not have SSNs but who have lawful immigration status. Such individuals include foreign students, spouses and children of temporary workers, long-term visitors, and others who are not authorized to work under our immigration laws. Many of these individuals still need to drive on a regular basis to get to classes, shop, take their children to school, or attend to other family and personal business. SB 957 would make TVDLs available to the 250,000 undocumented immigrant motorists who also need to drive for these purposes.

### Why push for TVDLs instead of a regular license?

The federal REAL ID Act requires that states can issue regular driver's licenses only to those individuals with lawful immigration status. TVDLs provide a reasonable solution that complies with REAL ID but also enables undocumented motorists to drive legally.

How does SB 957 protect against fraud? Shouldn't we require fingerprinting?

- All TVDL applicants will need to provide a valid current passport or consular ID document. Foreign governments already establish strong procedures for issuing these documents for verifying those that get issued. These governments have no interest in enabling fraud.

- The Secretary of State photographs all applicants for any license, and uses facial recognition software to prevent duplicate identities.
- All applicants must show they have lived in Illinois for at least one year, so people would not be able to claim bogus addresses in Illinois to get a TVDL.
- The Secretary of State will also process applications at a central location in order to verify documents. No one will be issued a TVDL on the same day; SoS will check the applicant's documents and, if they are legitimate and meet all standards, SoS will send the TVDL to the applicant by mail.
- Finally, the Secretary of State will have the authority to set further standards for which documents he will accept.

Haven't other states that give driving documents to undocumented immigrants experienced problems with fraud? Didn't Tennessee try this and then repeal its program due to massive fraud?

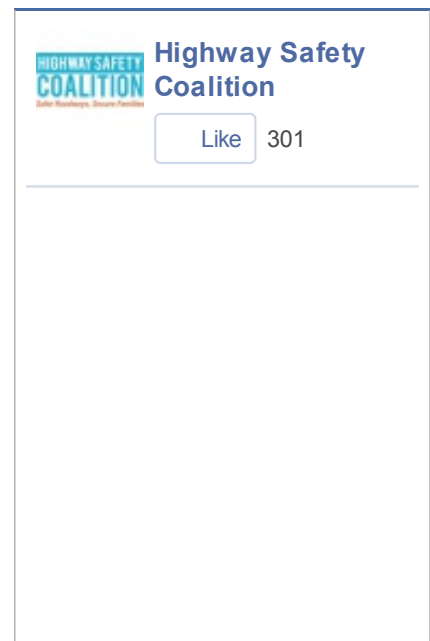
Those other states do not have all of the provisions that we are writing into this bill, including requiring a government-issued document to prove identity and one year of minimum residence in Illinois.

Specifically, the Tennessee program did not require specific documents to prove their identity or show residence in the state, and made no provisions for verifying those documents. SB 957 specifically requires a passport or consular identification card, and provides that the Secretary of State will verify those documents at a central location and issue the TVDLs from that location.

Isn't New Mexico trying to repeal its driver's license law?

New Mexico Governor Susana Martinez has been trying to repeal that state's 2003 law since taking office last year. That law allows undocumented immigrants to get regular driver's licenses. She recently claimed that New Mexico's driver's license law violates the federal REAL ID Act, which requires that licenses must be restricted to persons with lawful immigration status. Unlike New Mexico's licenses, TVDLs as proposed by SB 957 comply with REAL ID: they are not regular licenses, but instead are visually distinct and are marked as not valid for identification purposes, as required by that law. TVDLs therefore avoid one of the main problems that are driving Gov. Martinez's repeal effort.

Earlier this year the New Mexico Senate passed bipartisan compromise legislation that would have made improvements to that state's driver's license



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program and addressed concerns about fraud. Governor Martinez rejected this compromise and anything else short of repeal.

Could TVDLs be used to vote illegally or get firearms?

TVDLs are and will remain visually distinct from other licenses, and will be marked on their face as not valid for identification. Given these differences, no one will be able to use a TVDL to register to vote or vote, apply for a FOID card, board an airplane, or enter a federal building.

Do TVDLs comply with the federal REAL ID Act?

Yes: TVDLs comply with the federal REAL ID Act, which requires that any driving documents that a state issues to anyone without lawful immigration status must be visual distinct from regular licenses, and must state on their face that they are not valid for identification purposes.

Health advocates and others claim that the TVDL will help them identify TVDL holders who are involved in accident victims or otherwise need emergency assistance. But if the TVDL is not valid for identification, what good would it do?

Although the TVDL is not valid as proof of identity, hospitals, first responders, and others could still accept the TVDL as a document to indicate the person's name and address. TVDL holders could still provide passports and consular identification cards as proof of identity.

What assurance will we have that TVDL holders will get insured?

TVDL holders will be subject to all provisions of the Vehicle Code, including the mandatory insurance provisions. In addition, Senator Millner's amendment makes invalid the TVDL of any motorist who is pulled over and cannot provide proof of insurance for the vehicle. That amendment should reinforce the mandate that TVDL holders make sure the vehicle they drive are and remain insured.

Can't unlicensed motorists buy insurance already?

While some insurance companies sell auto insurance policies to unlicensed motorists, they generally will not pay out any claims on these policies when the motorist is unlicensed. For such motorists there is no point to buying insurance. Enabling undocumented immigrant motorists to get licensed would allow them to get paid for claims on the policies they would pay for—and thus take away a major disincentive from getting insurance.

Where is the Secretary of State on this legislation?

Although the Secretary of State is officially neutral, we have worked closely with the Secretary's office on developing language that will work. The

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## SUPPORT DRIVERS LICENSES FOR ALL!

Illinois law requires anyone applying for a driver's license to provide a Social Security number (SSN). This law prevents 250,000 Illinois immigrant motorists who cannot get SSNs from getting licenses— even though they need

Secretary of State intends to be ready to implement SB 957 once it takes effect.

Where is law enforcement on this bill?

Key law enforcement allies, including the sheriffs of Cook, Lake, and Kane Counties, many police chiefs (including Chicago Police Department chief Gerry McCarthy), Attorney General Lisa Madigan, Cook County State's Attorney Anita Alvarez, and others have endorsed our proposal as a commonsense public safety measure.

Could the TVDL be used as a bond card?

Yes. Drivers with TVDLs would be able to produce the card as bond during a traffic stop, just as drivers with regular licenses can. They would be ticketed for their traffic offense, as opposed to being arrested (because they cannot produce bond) and ending up in the criminal justice and immigration enforcement pipeline. Police time and jail space would no longer be taken up with so many motorists who are arrested for driving without a license.

If a person is stopped, will law enforcement know that they are undocumented?

The document is available to both authorized and unauthorized people so an officer cannot make that assumption. The risk of profiling associated with certificates should not exist with TVDLs—so more immigrant motorists will be likely to get them.

Couldn't the federal government get TVDL application data from the Secretary of State and use that data to go after undocumented immigrants?

The federal government has yet to go after Utah's database of 42,000 applicants for driving privilege cards, which are available only to undocumented immigrants in that state. Indeed, such data would be of little use for the federal government to pursue its current enforcement priorities, which target immigrants convicted of criminal offenses.

Does this bill increase penalties for those who do not get TVDLs?

Penalties for driving without a license and without insurance are already significant. More significant, any undocumented immigrant who would still drive without a license would be at risk of getting arrested at a traffic stop, and once in jail could be turned over to immigration and end up in deportation.

Will immigrants with criminal convictions be able to get a TVDL?

Undocumented immigrants who are arrested for criminal offenses will in most cases end up getting identified as undocumented and referred to Homeland Security for deportation.

to drive to support their families. These unlicensed, uninsured drivers are involved in 79,600 accidents each year, costing \$660 million in damage claims. Nationwide, unlicensed motorists are five times likelier to be involved in a fatal crash than licensed drivers.

Providing a way for Illinois immigrant motorists to obey driver's license laws will make everyone on our state's roads safer. These immigrant drivers will need to get tested on their driving skills and on the rules of the road, and purchase insurance.

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Does the TVDL grant any status to undocumented immigrants?

Immigration status is a matter of federal law. TVDLs granted under state law cannot grant any immigration status. TVDLs do nothing more than enable undocumented immigrants to comply with our state’s traffic laws.

Doesn’t this law reward people who are breaking the law? Isn’t driving a privilege, not a right?

This bill is a practical, commonsense way to ensure that everyone who is driving in Illinois be tested, get licensed and get insured so that roads in Illinois are safer. We want all Illinois motorists to obey the law—and making sure that immigrant motorists who need to drive to work, school, shopping, and places of worship are trained and licensed will allow that to happen. We need to put highway safety first.

Shouldn’t Illinois wait until the federal government acts on immigration reform?

Even with increase discussion of immigration reform on the federal level, there is no assurance that Congress will act. Our state must deal with the immediate problem of improving the safety of our roads. This legislation is a practical solution that would do just that.

Where do your numbers come from?

The figures we quote regarding the impact of driving documents in other states (specifically Utah and New Mexico) come from the DMVs of those states. Our estimates regarding uninsured motorists and savings on premiums come from calculations based on publicly available insurance industry data.

Aren’t there other numbers from New Mexico showing minimal impact on insured rates?

New Mexico State University reports that uninsured motorist rates in that state dropped from 33% in 2002 to 9% in 2011. NMSU developed the figures we are using based on data from the New Mexico Department of Motor Vehicles, which compared the total number of registered vehicles to the total number of vehicles with an insurance policy. Other figures compiled by the Insurance Research Council used injury accident data; those data show much less impact on uninsured rates, which according to IRC was 26% as of 2009. Again, New Mexico does not have the language included in SB 957 that makes invalid the TVDL of anyone who drives an uninsured vehicle—a provision that should further encourage TVDL bearers to buy and maintain insurance.

For more information, contact Rebecca Shi, 312 576-8032 or rshi @icirr.org.

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