

HOUSE No. 3012

The Commonwealth of Massachusetts

PRESENTED BY:

Tricia Farley-Bouvier and Christine P. Barber

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to work and family mobility.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>

<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>

<i>Michael J. Moran</i>	<i>18th Suffolk</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>

HOUSE No. 3012

By Representatives Farley-Bouvier of Pittsfield and Barber of Somerville, a petition (accompanied by bill, House, No. 3012) of Tricia Farley-Bouvier and others relative to the issuance of driver's licenses to certain persons unable to provide proof of lawful presence. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to work and family mobility.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 8 of chapter 90 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out the sentence beginning on line 275, “No
3 license of any type may be issued to any person who does not have lawful presence in the United
4 States.”, and inserting in place thereof the following sentence:-

5 “Persons who are unable to provide proof of lawful presence, or who are ineligible for a
6 social security number, may apply for a Massachusetts license if they meet all other
7 qualifications for licensure and provide satisfactory proof to the registrar of identity, date of birth
8 and Massachusetts residency.”

9 Section 8 of chapter 90 of the General Laws, as so appearing, is hereby further amended
10 by striking out, after the word “license” in line 278, the words “or a Massachusetts license”.

11 Said section is further amended by inserting, before the word “license” in line 287 and
12 before the word “license” in line 289, the words “REAL ID-compliant”.

13 Said section is further amended by inserting, after the sentence ending on line 295, the
14 following sentence:-

15 “If, at the expiration of the term of a REAL ID-compliant license, the licensee is unable
16 to provide proof of lawful presence, the licensee may apply for a Massachusetts license.”

17 SECTION 2. The registrar shall post information on its website explaining that all
18 Massachusetts residents may elect to apply for a Massachusetts license instead of a REAL ID-
19 compliant license.

20 SECTION 3. Section 8B of chapter 90 of the General Laws, as appearing in the 2016
21 Official Edition, is hereby amended by striking out, after the word “occurs” in line 42, the words
22 “except that no permit shall be issued to an applicant for a period of time longer than the registrar
23 determines the applicant is legally authorized to remain in the United States”.

24 SECTION 4. Section 8E of the General Laws, as appearing in the 2016 Official Edition,
25 is hereby amended by inserting, after the sentence ending on line 45, the following sentence:-

26 “Persons who are unable to provide proof of lawful presence, or who are ineligible for a
27 social security number, may apply for a Massachusetts identification card if they provide
28 satisfactory proof to the registrar of identity, date of birth and Massachusetts residency.”

29 Section 8E of the General Laws, as so appearing, is hereby further amended by inserting,
30 before the words “identification card” in line 48, the words “REAL ID-compliant”, and by
31 striking out, after the words “identification card” in line 48, the words “of any type”.

32 Said section is hereby further amended by striking out, in line 51, the words "an
33 identification card" and inserting in place thereof "a REAL ID-compliant identification card".

34 Said section is hereby further amended by inserting, before the words "identification
35 card" in line 60, and again before the words "identification card" in line 62, the words "REAL
36 ID-compliant".

37 Said section is further amended by inserting, after the sentence ending on line 68, the
38 following sentence:-

39 "If, at the expiration of the term of a REAL ID-compliant identification card, the card
40 holder is unable to provide proof of lawful presence, the card holder may apply for a
41 Massachusetts identification card."

42 SECTION 4. Chapter 90 of the General Laws, as appearing in the 2016 Official Edition,
43 is hereby amended by inserting after section 8M the following section:-

44 "Section 8N. (a) Information collected in the course of an application for a Massachusetts
45 motor vehicle registration, a Massachusetts license or a Massachusetts identification card shall
46 not be a public record as defined in section 7, subsection 26 of chapter 4 of the General Laws,
47 and shall not be disclosed by the registrar except as required by law.

48 (b) Documents provided by applicants to prove identity, date of birth or residency in the
49 course of an application for Massachusetts license or a Massachusetts identification card shall
50 not be disclosed by the registrar except in response to a subpoena for individual records in a
51 criminal proceeding or court order, or to comply with a state or federal statute mandating
52 disclosure. Possession of a valid Massachusetts license or a Massachusetts identification card

53 shall not be used as evidence of the holder's citizenship, nationality or immigration status, or as
54 the sole basis for an investigation, citation, arrest, prosecution or detention of the holder by a law
55 enforcement agency.

56 (c) Information obtained by an employer or a landlord or their agent relating to the type
57 of driver's license or identification card held or presented by a person shall not be a public record
58 as defined in section 7, subsection 26 of chapter 4 of the General Laws, and shall not be
59 disclosed except as required by law.

60 (d) Notwithstanding any general or special law to the contrary, it shall be a violation of
61 law to discriminate against a person because of the type of license or identification card that the
62 person holds or presents, including, but not limited to, the following:

63 (1) It is a violation of chapter 151B of the General Laws for an employer, a landlord
64 or another person or entity covered under said chapter to discriminate against a person because
65 the person holds or presents a Massachusetts license or identification card, or to require a person
66 to present a REAL ID-compliant license or identification card, provided that an employer may so
67 require if holding a REAL ID-compliant license or identification card is required by the
68 employment and the requirement is otherwise permitted by law.

69 (2) Notwithstanding subparagraph (1), this subsection shall not be construed to alter
70 an employer's rights or obligations under Section 1324a of Title 8 of the United States Code
71 regarding obtaining documentation evidencing identity and authorization for employment. An
72 action taken by an employer that is required by the federal Immigration and Nationality Act (8
73 U.S.C. Sec. 1324a) is not a violation of law.

74 (3) The use of a learner’s permit, a Massachusetts license or a Massachusetts
75 identification card issued under this chapter shall be a right secured by the laws of the
76 commonwealth for the purposes of the Massachusetts Civil Rights Act, sections 11H through 11J
77 of chapter 12 of the General Laws. The attorney general may provide guidance as necessary
78 regarding this subparagraph.”