

HOUSE No. 4459

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 14, 2022.

The committee on Transportation to whom was referred the petition (accompanied by bill, Senate, No. 2289) of Brendan P. Crighton, Adam Gomez, Harriette L. Chandler, Adam G. Hinds and other members of the General Court for legislation relative to work and family mobility during and subsequent to the COVID-19 emergency and the petition (accompanied by bill, House, No. 3456) of Tricia Farley-Bouvier, Christine P. Barber and others relative to eligibility for application for motor vehicle learners' permits and drivers' licenses, reports recommending that the accompanying bill (House, No. 4459) ought to pass.

For the committee,

WILLIAM M. STRAUS.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to work and family mobility during and subsequent to the COVID-19 emergency.

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 2020
2 Official Edition, is hereby amended by striking out, in lines 275 through 277, inclusive, the
3 words “No license of any type may be issued to any person who does not have lawful presence
4 in the United States.” and inserting in place thereof the following words:-

5 An applicant for a license under this section who does not provide proof of lawful
6 presence, including those who are ineligible for a social security number, shall be eligible for a
7 Massachusetts license to operate a motor vehicle if said applicant meets all other qualifications
8 for licensure and provides satisfactory proof to the registrar of their identity, date of birth and
9 Massachusetts residency. When processing an application for a Massachusetts license or a
10 learner’s permit the registrar shall not inquire about or create a record of an applicant’s
11 citizenship or immigration status. When processing an application for a motor vehicle
12 registration for an applicant with a Massachusetts license or a learner’s permit the registrar shall
13 not inquire about or create a record of an applicant’s citizenship or immigration status.

14 SECTION 2. Said section 8 of said chapter 90, as so appearing, is hereby further
15 amended by striking out, in lines 278 through 279, inclusive the words “or a Massachusetts
16 license”.

17 SECTION 3. Said section 8 of said chapter 90, as so appearing, is hereby further
18 amended by striking out, in line 287, the word “terminated, a” and inserting in place thereof the
19 following words:- terminated, a REAL ID- compliant.

20 SECTION 4. Said section 8 of said chapter 90, as so appearing, is hereby further
21 amended by striking out, in line 295, the word “temporary.” and inserting in place thereof the
22 following words:- temporary. If, at the expiration of the term of a REAL ID compliant license,
23 the licensee is unable to provide proof of lawful presence, the licensee shall remain eligible to
24 apply for a Massachusetts license.

25 SECTION 5. Said section 8 of said chapter 90, as so appearing, is hereby further
26 amended by inserting at the end thereof the following paragraphs:-

27 If an applicant for a license under this section or an applicant for a learner’s permit under
28 section 8B does not provide documentation of lawful presence in the United States, the applicant
29 shall submit to the registrar and the registrar shall accept as proof of their identity and date of
30 birth at least two documents. One document shall be (a) a valid unexpired foreign passport or (b)
31 a valid unexpired Consular Identification document. One document shall be (a) a valid unexpired
32 driver's license from any United States state or territory; (b) an original or certified copy of a
33 birth certificate; (c) a valid unexpired foreign national identification card; (d); a valid unexpired
34 foreign driver’s license; or (e) a marriage certificate or divorce decree issued in Massachusetts.
35 One document submitted as proof of an applicant’s identity pursuant to this paragraph shall

36 include a photograph and one document submitted as proof of an applicant's identity pursuant to
37 this paragraph shall include a date of birth. Any documents submitted as proof of an applicant's
38 identity pursuant to this paragraph that are in any language other than English shall be
39 accompanied by a certified translation translating the document to English.

40 In addition to the powers and authority conferred upon the registrar pursuant to section 10
41 with respect to standards of fitness for operation of a motor vehicle, the registrar may conduct a
42 review of any documents submitted by an applicant for a license under this section or an
43 applicant for a learner's permit under section 8B who does not provide documentation of lawful
44 presence in the United States, including those who are ineligible for a social security number
45 issued by any country to determine whether reasonable cause exists to exclude the document as
46 proof of identity or date of birth.

47 Each applicant for a license or permit under this chapter shall attest, under the pains and
48 penalties of perjury, that their license or right to operate has not been suspended or revoked in
49 another state, country or jurisdiction.

50 SECTION 6. Section 8B of said chapter 90, as so appearing, is hereby amended by
51 striking out, in lines 42 through 44, inclusive the words "occurs, except that no permit shall be
52 issued to an applicant for a period of time longer than the registrar determines the applicant is
53 legally authorized to remain in the United States" and inserting in place thereof the following
54 word:- occurs.

55 SECTION 7. (a) Notwithstanding any general or special law to the contrary, any
56 information provided by or relating to an applicant for a Massachusetts license under section 8 of
57 chapter 90 of the General Laws or a learner's permit under section 8B of said chapter 90,

58 including failure to submit documentation of lawful presence in the United States, including, but
59 not limited to, personal identifying information and communications between said applicant and
60 the registrar of motor vehicles pursuant to section 8 or 8B of said chapter 90 of the General
61 Laws, shall neither be a public record nor disclosed by the Registrar, except as authorized by
62 regulations promulgated by the Attorney General.

63 (b) Notwithstanding any general or special law to the contrary, any information provided
64 by or relating to the holder of a Massachusetts license under section 8 of chapter 90 of the
65 General Laws or the holder of a learner's permit under section 8B of said chapter 90, including
66 failure to submit documentation of lawful presence in the United States, including, but not
67 limited to, personal identifying information and communications between said holder and the
68 registrar of motor vehicles pursuant to section 8 or 8B of said chapter 90 of the General Laws,
69 shall neither be a public record nor disclosed by the Registrar, except as authorized by
70 regulations promulgated by the Attorney General.

71 SECTION 8. Notwithstanding any general or special law to the contrary, the registrar of
72 motor vehicles shall promulgate rules and regulations regarding proof of identity, date of birth
73 and Massachusetts residency applicable to United States citizens and other persons who provide
74 proof of lawful presence who elect to apply for a license pursuant to section 8 of chapter 90 of
75 the General Laws.

76 SECTION 9. This act shall take effect on July 1, 2023.