

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1141

Short Title: Verify Residency for Drivers License. (Public)

Sponsors: Representatives Pate, Starnes (Primary Sponsors); Barnhart, Blust, Bowie, Capps, Clary, Daughtridg, Daughtry, Ellis, Frye, Gillespie, Gulley, Holmes, L. Johnson, LaRoque, McCombs, McHenry, Mitchell, Moore, Sauls, Stam, Walker, West, K. Williams, and Wood.

Referred to: Transportation.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO VERIFY RESIDENCY FOR DRIVERS LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b1) of G.S. 20-7 reads as rewritten:

"(b1) Application. – To obtain a drivers license from the Division, a person shall complete an application form provided by the Division, present at least two forms of identification approved by the Commissioner, be a resident of this State, and demonstrate his or her physical and mental ability to drive safely a motor vehicle included in the class of license for which the person has applied. At least one of the forms of identification shall indicate the applicant's residence address. The Division may copy the identification presented or hold it for a brief period of time to verify its authenticity. To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to drive safely the type of motor vehicle for which the endorsement is required.

The application form shall request all of the following information, and it shall contain the disclosures concerning the request for an applicant's social security number required by section 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

- (1) The applicant's full name.
- (2) The applicant's mailing address and residence address.
- (3) A physical description of the applicant, including the applicant's sex, height, eye color, and hair color.
- (4) The applicant's date of birth.
- (5) The applicant's ~~social~~-valid social security ~~number~~-number or the valid alien registration number ('A' number) issued by the United States Department of Homeland Security.
- (6) The applicant's signature.

1 ~~If an applicant does not have a valid social security number and is ineligible to~~
2 ~~obtain one, the applicant shall swear to or affirm that fact under penalty of perjury. In~~
3 ~~such case, the applicant may provide a valid Individual Taxpayer Identification Number~~
4 ~~issued by the Internal Revenue Service to that person.~~

5 The Division shall not issue an identification card, learners permit, or drivers license
6 to an applicant who fails to provide either the applicant's valid social security number or
7 the applicant's valid Individual Taxpayer Identification Number who fails to provide
8 proof that the applicant's presence in the United States is authorized under federal law as
9 required by subdivision (5) of this subsection. The Division shall verify the validity of
10 the numbers furnished by the applicant. Each year the Division shall submit to the
11 Governor and to the General Assembly a report detailing the numbers and types of
12 drivers license applications approved and denied pursuant to this section."

13 **SECTION 2.** Subsection (b3) of G.S. 20-7 reads as rewritten:

14 "(b3) The Division shall adopt rules implementing the provisions of subsection (b1)
15 of this section with respect to proof of residency in this State. Those rules shall ensure
16 that applicants submit verified or verifiable residency and address information that can
17 be reasonably considered to be valid and that is provided on any of the following:

- 18 (1) A document issued by an agency of the United States ~~or by the~~
19 ~~government of another nation.~~ States.
- 20 (2) A document issued by another state.
- 21 (3) A document issued by the State of North Carolina, or a political
22 subdivision of this State. This includes an agency or instrumentality of
23 this State.
- 24 (4) A preprinted bank or other corporate statement.
- 25 ~~(5) A preprinted business letterhead.~~
- 26 ~~(6) Any other document deemed reliable by the Division."~~

27 **SECTION 3.** Subsection (b4) of G.S. 20-7 reads as rewritten:

28 "(b4) Examples of documents that are reasonably reliable indicators of residency
29 include, but are not limited to, any of the following:

- 30 (1) A pay stub with the payee's address.
- 31 (2) A utility bill showing the address of the applicant-payor.
- 32 (3) A contract for an apartment, house, modular unit, or manufactured
33 home with a North Carolina address signed by the applicant.
- 34 (4) A receipt for personal property taxes paid.
- 35 (5) A receipt for real property taxes paid to a North Carolina locality.
- 36 (6) A current automobile insurance policy issued to the applicant and
37 showing the applicant's address.
- 38 (7) A monthly or quarterly financial statement from a North Carolina
39 regulated financial institution.
- 40 ~~(8) A matricula consular or substantially similar document issued by the~~
41 ~~Mexican Consulate for North Carolina.~~
- 42 ~~(9) A document similar to that described in subsection (8) of this section,~~
43 ~~issued by the consulate or embassy of another country. This~~
44 ~~subdivision only applies if the Division has consulted with the United~~

1 State Department of State and is satisfied with the reliability of such
2 document."

3 **SECTION 4.** Subsection (b5) of G.S. 20-7 reads as rewritten:

4 "(b5) The Division rules adopted pursuant to subsection (b3) of this section shall
5 also provide that if ~~an~~ a minor applicant cannot produce any documentation specified in
6 subsection (b3) or (b4) of this section, ~~the applicant or, in the case of a minor applicant~~
7 a parent or guardian of that applicant may complete an affidavit on a form provided by
8 the Division and sworn to before an official of the Division, indicating the minor
9 applicant's current residence address. No parent or guardian who has obtained a drivers
10 license by affidavit may subsequently complete an affidavit for a minor applicant. The
11 affidavit shall contain the provisions of ~~G.S. 20-15(a) and G.S. 20-17(a)(5)~~
12 G.S. 20-15(a), 20-17(a)(5), and 20-31, and shall indicate the civil and criminal penalties
13 for completing a false affidavit."

14 **SECTION 5.** G.S. 20-7(f) reads as rewritten:

15 "(f) Expiration and Temporary License. – The first drivers license the Division
16 issues to a person expires on the person's fourth or subsequent birthday that occurs after
17 the license is issued and on which the individual's age is evenly divisible by five, unless
18 this subsection sets a different expiration date. A first drivers license ~~may~~ shall be
19 issued for a shorter duration ~~if the Division determines that a license of shorter duration~~
20 ~~should be issued when the applicant holds to expire upon the expiration date of a visa~~
21 valid alien registration of limited duration issued by the ~~United States Department of~~
22 State. ~~United States Department of Homeland Security.~~ The first drivers license the
23 Division issues to a person who is at least 17 years old but is less than 18 years old
24 expires on the person's twentieth birthday. The first drivers license the Division issues
25 to a person who is at least 62 years old expires on the person's birthday in the fifth year
26 after the license is issued, whether or not the person's age on that birthday is evenly
27 divisible by five.

28 A drivers license that was issued by the Division and is renewed by the Division
29 expires five years after the expiration date of the license that is renewed unless the
30 Division determines that a license of shorter duration ~~should~~ shall be issued to expire on
31 the expiration date of a valid alien registration when the applicant holds a ~~visa~~ valid
32 alien registration of limited duration from the ~~United States Department of State.~~
33 Immigration and Naturalization Service. A person may apply to the Division to renew a
34 license during the 180-day period before the license expires. ~~The Division may not~~
35 ~~accept an application for renewal made before the 180-day period begins.~~ Any license
36 issued to a noncitizen shall automatically expire when the applicant's presence is no
37 longer authorized under federal law. The expiration date on the license shall reflect the
38 expiration date of the applicant's authorized presence in the United States as verified by
39 the United States Department of Homeland Security.

40 The Division may renew by mail a drivers license issued by the Division to a person
41 who meets any of the following descriptions:

- 42 (1) Is serving on active duty in the armed forces of the United States and
43 is stationed outside this State.

- 1 (2) Is a resident of this State and has been residing outside the State for at
2 least 30 continuous days. When renewing a license by mail, the
3 Division may waive the examination that would otherwise be required
4 for the renewal and may impose any conditions it finds advisable. A
5 license renewed by mail is a temporary license that expires 60 days
6 after the person to whom it is issued returns to this State.

7 The Division shall issue a temporary license valid for 10 days to the applicant and
8 shall mail the drivers license to the applicant, by first-class mail, at the address provided
9 by the applicant."

10 **SECTION 6.** G.S. 20-31 reads as rewritten:

11 "**§ 20-31. Making false affidavits ~~perjury.~~ perjury or furnishing false information**
12 **to obtain a drivers license or identification card.**

13 (a) Any person who shall make any false affidavit, or shall knowingly swear or
14 affirm falsely, to any matter or thing required by the terms of this Article to be sworn to
15 or affirmed shall be guilty of a Class I felony.

16 (b) Any person who shall furnish nonsworn false information to obtain a drivers
17 license or identification card issued by the Division shall be guilty of a Class I felony."

18 **SECTION 7.** The Division of Motor Vehicles shall, by October 1, 2003,
19 verify the social security numbers on all current drivers licenses issued by the Division.
20 The Division shall immediately invalidate all current drivers licenses not matching the
21 valid social security number assigned to the driver or where the driver does not have a
22 valid social security number. The Division may correct those records where the
23 mismatch is due to error rather than to fraud. The Division may issue or reinstate a
24 drivers license only if the driver provides a valid social security number or the number
25 of a valid alien registration issued by the United States Immigration and Naturalization
26 Service and pays the applicable fee.

27 **SECTION 8.** The State Board of Elections shall review all voter
28 registrations processed through the Division of Motor Vehicles where there is no valid
29 social security number on the application or where the social security number does not
30 match the applicant based on the verification required by Section 3 of this act. Those
31 persons who used their drivers license as proof of residency shall be required to submit
32 other proof of residency or shall not be permitted to vote. This review shall be
33 conducted prior to the elections in November 2004.

34 **SECTION 9.** This act becomes effective July 1, 2003.