

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 422

Short Title: Ensure Compliance with Real ID Act of 2005. (Public)

Sponsors: Representatives Boylan; Barnhart, Blackwood, Blust, Cleveland, Current, Daughtry, Frye, Gulley, Hurley, Lewis, McGee, Moore, Neumann, Samuelson, Starnes, Walend, and Wiley.

Referred to: Homeland Security, Military and Veterans Affairs, if favorable, Judiciary II.

March 1, 2007

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE A NONCITIZEN OF THE UNITED STATES WHO IS
2 PRESENT IN THE UNITED STATES TO PRESENT A VALID PASSPORT
3 FROM THE COUNTRY OF ORIGIN AND VALID DOCUMENTATION
4 SHOWING LEGAL PRESENCE ISSUED BY THE UNITED STATES
5 GOVERNMENT TO RECEIVE A DRIVERS LICENSE FROM THE DIVISION
6 OF MOTOR VEHICLES AND TO REQUIRE THE DIVISION OF MOTOR
7 VEHICLES TO VERIFY SOCIAL SECURITY DOCUMENTATION.
8

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 20-7(b1) reads as rewritten:

11 **"§ 20-7. Issuance and renewal of drivers licenses.**

12 ...

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

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

26 (1) The applicant's full name.

- 1 (2) The applicant's mailing address and residence address.
- 2 (3) A physical description of the applicant, including the applicant's sex,
- 3 height, eye color, and hair color.
- 4 (4) The applicant's date of birth.
- 5 (5) The applicant's valid social security number.
- 6 (6) The applicant's signature.

7 The Division shall not issue an identification card, learners permit, or drivers license
8 to an applicant who fails to provide the applicant's valid social security number. The
9 Division shall verify any social security number provided for an application to ensure
10 the applicant's name and social security number correspond with each other and are
11 valid."

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

13 **"§ 20-7. Issuance and renewal of drivers licenses.**

14 ...

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

- 20 (1) A document issued by an agency of the United States ~~or by the~~
21 ~~government of another nation.~~ States, the State of North Carolina, or
22 another state, but does not include a province of Canada.
- 23 ~~(2) A document issued by another state.~~
- 24 ~~(3) A document issued by the State of North Carolina, or a political~~
25 ~~subdivision of this State. This includes an agency or instrumentality of~~
26 ~~this State.~~
- 27 ~~(4) A preprinted bank or other corporate statement.~~
- 28 ~~(5) A preprinted business letterhead.~~
- 29 (6) Any other verifiable document deemed reliable by the Division."

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

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

- 33 (1) A pay stub with the payee's address.
- 34 (2) A utility bill showing the address of the applicant-payor.
- 35 (3) A contract for an apartment, house, modular unit, or manufactured
36 home with a North Carolina address signed by the applicant.
- 37 (4) A receipt for personal property taxes paid.
- 38 (5) A receipt for real property taxes paid to a North Carolina locality.
- 39 (6) A current automobile insurance policy issued to the applicant and
40 showing the applicant's address.
- 41 (7) A monthly or quarterly financial statement from a North Carolina
42 regulated financial institution.
- 43 ~~(8) A matricula consular or substantially similar document issued by the~~
44 ~~Mexican Consulate for North Carolina.~~

1 (9) ~~A document similar to that described in subsection (8) of this section,~~
 2 ~~issued by the consulate or embassy of another country. This~~
 3 ~~subdivision only applies if the Division has consulted with the United~~
 4 ~~State Department of State and is satisfied with the reliability of such~~
 5 ~~document."~~

6 **SECTION 4.** G.S. 20-7(f)(3) reads as rewritten:

7 "**§ 20-7. Issuance and renewal of drivers licenses.**

8 ...

9 (f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and
 10 renewed pursuant to the provisions of this subsection.

11 ...

12 (3) Duration of license. – A drivers license that was issued by the Division
 13 and is renewed by the Division expires at the end of the period
 14 provided by this subsection after the expiration date of the license that
 15 is renewed unless the Division determines that a license of shorter
 16 duration should be issued when the applicant ~~holds a visa of limited~~
 17 ~~duration from the United States Department of Homeland Security~~
 18 presents a valid passport from the country of origin and valid
 19 documentation demonstrating legal presence in the United States and
 20 that documentation is issued to the applicant under the authority of the
 21 United States government, but in no event shall the license expire later
 22 than the applicant's lawful presence in the United States. A person may
 23 apply to the Division to renew a license during the 180-day period
 24 before the license expires. The Division may not accept an application
 25 for renewal made before the 180-day period begins.

26 "

27 **SECTION 5.** G.S. 20-7(s) reads as rewritten:

28 "**§ 20-7. Issuance and renewal of drivers licenses.**

29 ...

30 (s) Notwithstanding the requirements of subsection (b1) of this section that an
 31 applicant present a valid social security number, the Division shall issue a drivers
 32 license of limited duration, under subsection (f) of this section, to an applicant present in
 33 the United States ~~under a valid visa issued to the applicant by the United States~~
 34 ~~Department of Homeland Security if the applicant presents that valid visa.~~who presents
 35 a valid passport from the country of origin and valid documentation demonstrating legal
 36 presence in the United States and that documentation is issued to the applicant under the
 37 authority of the United States government."

38 **SECTION 6.** This act becomes effective July 1, 2007.