

## STATE ID CARDS AND DRIVER LICENSES: LIMIT TERM TO LEGAL PRESENCE IN UNITED STATES

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**House Bill 5686 (H-2) as reported from committee**  
**Sponsor: Rep. Pamela Hornberger**

Analysis available at  
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**House Bill 5687 (H-2) as reported from committee**  
**Sponsor: Rep. Beth Griffin**

**Committee: Transportation and Infrastructure**  
**Complete to 4-18-18**

*(Enacted as Public Acts 176 and 177 of 2018)*

### SUMMARY:

House Bills 5686 and 5687 would amend Public Act 222 of 1972 and the Michigan Vehicle Code, respectively, to prohibit the Secretary of State from issuing a state personal identification card or a driver's license for a term that exceeds the duration of an individual's legal presence in the United States.

Under the acts, an applicant for an official state personal identification card or for a driver's license who is not a citizen of the United States must provide, and the Department of State must verify, documents demonstrating that he or she is legally present in the United States. A card or license must contain certain information, including a unique, permanently assigned number; the full legal name, date of birth, height, sex, eye color, residential address, photographic image, and signature of the card holder or licensee; and the expiration date of the card or license.

Under the bills, a state personal identification card or driver's license could not be issued to an individual who is not a citizen of the United States for a term that exceeds the duration of the applicant's legal presence in the United States.

If the card or license is issued to an individual who is not a citizen of the United States who has *temporary lawful status* as defined in 6 CFR 37.3, the card or license would have to be issued in compliance with 6 CFR 37.21 (see below) or with the process established by the Secretary of State to comply with 6 CFR 37.71 (see below).

*Temporary lawful status* is defined under 6 CFR 37.3 as that of a person who "has a valid non-immigration status in the United States; has a pending application for asylum in the United States; has a pending or approved application for temporary protected status (TPS) in the United States; has approved deferred action status; or has pending application for LPR [lawful permanent residence] or conditional permanent resident status."

Under 6 CFR 37.21, a state "may only issue a temporary or limited-term REAL ID driver's license or identification card to an individual who has temporary lawful status in the United

States.” Such licenses or cards cannot be issued for “a time period longer than the expiration of the applicant’s authorized stay in the United States or, if there is no expiration date, for a period longer than one year.” The federal regulations also require that such licenses or cards “must clearly indicate on the face of the license and in the machine readable zone that the license or card is a temporary or limited-term driver’s license or identification card.”

Under 6 CFR 37.71, a state that the United States Department of Homeland Security has determined is compliant with the REAL ID Act may choose to also issue driver’s licenses and identification cards that are not acceptable for official purposes by federal agencies. These licenses and cards must state on their face and in the machine readable zone that they are not acceptable for official purposes, and they must also have a design or color that distinguishes them from cards that are compliant with federal regulations. The Department of Homeland Security would approve such designations during certification of compliance.

Each bill would take effect 90 days after its enactment.

MCL 28.291 and 28.292 (HB 5686: state personal identification cards)

MCL 257.307 and 257.310 (HB 5687: driver’s licenses)

#### **FISCAL IMPACT:**

The bills would have no fiscal impact on the Secretary of State, state government, or local units of government.

#### **POSITIONS:**

The office of the Secretary of State indicated support for the bills. (4-10-18)

The following organizations indicated a neutral position regarding the bills:

- ACLU (4-10-18)
- Michigan Catholic Conference (4-10-18)
- Michigan Immigrant Rights Center (4-10-18)
- Michigan League for Public Policy (4-10-18)
- Michigan Farm Bureau (4-17-18)

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