

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**HOUSE BILL 876\*  
Committee Substitute Favorable 4/23/03**

Short Title: Antiterrorism/End Residency Affidavits.

(Public)

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Sponsors:

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Referred to:

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April 7, 2003

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE PROTECTION AGAINST TERRORISM, IDENTITY  
THEFT, AND VOTER FRAUD.

Whereas, the United States government has declared that we are at war with terrorism, both at home and abroad; and

Whereas, making false identification documents easily available to terrorists undermines government efforts to fight terrorism; and

Whereas, the use of drivers licenses for airplane boarding makes drivers license fraud a national security issue; and

Whereas, North Carolina currently will accept as proof of residency a business letterhead (which can easily be prepared on any personal computer); and

Whereas, terrorists who fail to prepare the letterhead in advance are permitted to simply file an affidavit under penalty of perjury as proof of residency; and

Whereas, North Carolina's lax drivers license procedures are so well known that people who are not residents of North Carolina come to North Carolina just to get drivers licenses; and

Whereas, North Carolina's current drivers license procedures are more supportive of terrorists, identity theft, and voter fraud than good government; Now, therefore,

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

1 and mental ability to drive safely the type of motor vehicle for which the endorsement is  
2 required.

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

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

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

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

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

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

- 32 (1) A document issued by an agency of the United States ~~or by the~~  
33 ~~government of another nation.~~ States.
- 34 (2) A document issued by another state.
- 35 (3) A document issued by the State of North Carolina, or a political  
36 subdivision of this State. This includes an agency or instrumentality of  
37 this State.
- 38 (4) A preprinted bank or other corporate statement.
- 39 ~~(5) A preprinted business letterhead.~~
- 40 ~~(6) Any other document deemed reliable by the Division."~~

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

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

- 44 (1) A pay stub with the payee's address.

- 1 (2) A utility bill showing the address of the applicant-payor.  
2 (3) A contract for an apartment, house, modular unit, or manufactured  
3 home with a North Carolina address signed by the applicant.  
4 (4) A receipt for personal property taxes paid.  
5 (5) A receipt for real property taxes paid to a North Carolina locality.  
6 (6) A current automobile insurance policy issued to the applicant and  
7 showing the applicant's address.  
8 (7) A monthly or quarterly financial statement from a North Carolina  
9 regulated financial institution.  
10 (8) ~~A matricula consular or substantially similar document issued by the~~  
11 ~~Mexican Consulate for North Carolina.~~  
12 (9) ~~A document similar to that described in subsection (8) of this section,~~  
13 ~~issued by the consulate or embassy of another country. This~~  
14 ~~subdivision only applies if the Division has consulted with the United~~  
15 ~~State Department of State and is satisfied with the reliability of such~~  
16 ~~document."~~

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

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

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

29 "(f) Expiration and Temporary License. – The first drivers license the Division  
30 issues to a person expires on the person's fourth or subsequent birthday that occurs after  
31 the license is issued and on which the individual's age is evenly divisible by five, unless  
32 this subsection sets a different expiration date. A first drivers license ~~may~~ shall be  
33 issued for a shorter duration ~~if the Division determines that a license of shorter duration~~  
34 ~~should be issued when the applicant holds to expire upon the expiration date of a visa~~  
35 ~~valid alien registration of limited duration issued by the United States Department of~~  
36 ~~State. United States Department of Homeland Security.~~ The first drivers license the  
37 Division issues to a person who is at least 17 years old but is less than 18 years old  
38 expires on the person's twentieth birthday. The first drivers license the Division issues  
39 to a person who is at least 62 years old expires on the person's birthday in the fifth year  
40 after the license is issued, whether or not the person's age on that birthday is evenly  
41 divisible by five.

42 A drivers license that was issued by the Division and is renewed by the Division  
43 expires five years after the expiration date of the license that is renewed unless the  
44 Division determines that a license of shorter duration ~~should~~ shall be issued to expire on

1 the expiration date of a valid alien registration when the applicant holds a ~~visa~~ valid  
2 alien registration of limited duration from the United States Department of State,  
3 Immigration and Naturalization Service. A person may apply to the Division to renew a  
4 license during the 180-day period before the license expires. ~~The Division may not~~  
5 accept an application for renewal made before the 180-day period begins. Any license  
6 issued to a noncitizen shall automatically expire when the applicant's presence is no  
7 longer authorized under federal law. The expiration date on the license shall reflect the  
8 expiration date of the applicant's authorized presence in the United States as verified by  
9 the United States Department of Homeland Security.

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

- 12 (1) Is serving on active duty in the armed forces of the United States and  
13 is stationed outside this State.
- 14 (2) Is a resident of this State and has been residing outside the State for at  
15 least 30 continuous days. When renewing a license by mail, the  
16 Division may waive the examination that would otherwise be required  
17 for the renewal and may impose any conditions it finds advisable. A  
18 license renewed by mail is a temporary license that expires 60 days  
19 after the person to whom it is issued returns to this State.

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

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

24 "**§ 20-31. Making false affidavits ~~perjury.~~ perjury or furnishing false information**  
25 **to obtain a drivers license or identification card.**

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

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

32 **SECTION 7.** The Division of Motor Vehicles shall, by October 1, 2003,  
33 verify the social security numbers on all current drivers licenses issued by the Division.  
34 The Division shall immediately invalidate all current drivers licenses not matching the  
35 valid social security number assigned to the driver or where the driver does not have a  
36 valid social security number. The Division may correct those records where the  
37 mismatch is due to error rather than to fraud. The Division may issue or reinstate a  
38 drivers license only if the driver provides a valid social security number or the number  
39 of a valid alien registration issued by the United States Immigration and Naturalization  
40 Service and pays the applicable fee.

41 **SECTION 8.** This act becomes effective July 1, 2003.