

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE DRH60354-LK-25 (1/26)

Short Title: Reform Drivers License Issuance Criteria. (Public)

Sponsors: Representative Blust.

Referred to:

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 could be exploited by terrorists to blend into American society, aid those who perpetrate identity theft, and facilitate the committing of voter fraud; 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 an identification card, learners permit, or 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, except for an identification card, 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

1 indicate the applicant's residence address. The Division may copy the identification
2 presented or hold it for a brief period of time to verify its authenticity. To obtain an
3 endorsement, a person shall demonstrate his or her physical and mental ability to drive
4 safely the type of motor vehicle for which the endorsement is required.

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

8 (1) The applicant's full name.

9 (2) The applicant's mailing address and residence address.

10 (3) A physical description of the applicant, including the applicant's sex,
11 height, eye color, and hair color.

12 (4) The applicant's date of birth.

13 (5) The applicant's valid social security ~~number~~ number or the valid alien
14 registration number ('A' number) issued by the United States
15 Department of Homeland Security.

16 (6) The applicant's signature.

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

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

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

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

33 (1) A document issued by an agency of the United States ~~or by the~~
34 ~~government of another nation.~~ States.

35 (2) A document issued by another state.

36 (3) A document issued by the State of North Carolina, or a political
37 subdivision of this State. This includes an agency or instrumentality of
38 this State.

39 (4) A preprinted bank or other corporate statement.

40 ~~(5) A preprinted business letterhead.~~

41 ~~(6) Any other document deemed reliable by the Division."~~

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

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

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

SECTION 4. G.S. 20-7(b5) reads as rewritten:

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

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

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

A drivers license that was issued by the Division and is renewed by the Division expires five years after the expiration date of the license that is renewed unless the 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 Homeland Security. A person may apply to the Division to renew a license during the
4 180-day period before the license expires. ~~The Division may not accept an application~~
5 ~~for renewal made before the 180-day period begins.~~Any license issued to a noncitizen
6 shall automatically expire when the applicant's presence is no longer authorized under
7 federal law. The expiration date on the license shall reflect the expiration date of the
8 applicant's authorized presence in the United States as verified by the United States
9 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.

16 When renewing a license by mail, the Division may waive the examination that
17 would otherwise be required for the renewal and may impose any conditions it finds
18 advisable. A license renewed by mail is a temporary license that expires 60 days after
19 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. 163-82.19 reads as rewritten:

24 **"§ 163-82.19. Voter registration at drivers license offices.**

25 The Division of Motor Vehicles shall, pursuant to the rules adopted by the State
26 Board of Elections, modify its forms so that any eligible person who applies for original
27 issuance, renewal or correction of a drivers license, or special identification card issued
28 under G.S. 20-37.7 may, on a part of the form, complete an application to register to
29 vote or to update his registration if the voter has changed his address or moved from one
30 precinct to another or from one county to another. The person taking the application
31 shall ask if the applicant is a citizen of the United States. If the applicant states that the
32 applicant is not a citizen of the United States, or declines to answer the question, the
33 person taking the application shall inform the applicant that it is a felony for a person
34 who is not a citizen of the United States to apply to register to vote. Any person who
35 willfully and knowingly and with fraudulent intent gives false information on the
36 application is guilty of a Class I felony. The application shall state in clear language the
37 penalty for violation of this section. The necessary forms shall be prescribed by the
38 State Board of Elections. The form must ask for the previous voter registration address
39 of the voter, if any. If a previous address is listed, and it is not in the county of residence
40 of the applicant, the appropriate county board of elections shall treat the application as
41 an authorization to cancel the previous registration and also process it as such under the
42 procedures of G.S. 163-82.9. If a previous address is listed and that address is in the
43 county where the voter applies to register, the application shall be processed as if it had
44 been submitted under G.S. 163-82.9.

1 Registration shall become effective as provided in G.S. 163-82.7. Applications to
2 register to vote accepted at a drivers license office under this section until the deadline
3 established in G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no
4 person who completes an application at that drivers license office shall be denied the
5 vote in that election for failure to apply earlier than that deadline.

6 All applications shall be forwarded by the Department of Transportation to the
7 appropriate board of elections not later than five business days after the date of
8 acceptance, according to rules ~~which~~ that shall be promulgated by the State Board of
9 Elections.

10 The State Board of Elections shall review all voter registrations made through the
11 Division of Motor Vehicles after October 1, 1997, in order to verify the validity of the
12 claim of residency and citizenship and mail confirmations of residency and citizenship
13 to all voters registered through the Division of Motor Vehicles who did not furnish a
14 valid social security number. The State Board of Elections shall notify the General
15 Assembly of the results of the review and verification."

16 **SECTION 7.** G.S. 20-31 reads as rewritten:

17 **"§ 20-31. Making false affidavits ~~perjury~~. perjury or furnishing false information**
18 **to obtain a drivers license or identification card.**

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

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

24 **SECTION 8.** The Division of Motor Vehicles shall, by October 1, 2005,
25 verify the social security numbers on all current drivers licenses issued by the Division.
26 The Division shall immediately invalidate all current drivers licenses not matching the
27 valid social security number assigned to the driver or where the driver does not have a
28 valid social security number. The Division may correct those records where the
29 mismatch is due to error rather than to fraud. The Division may issue or reinstate a
30 drivers license only if the driver provides a valid social security number or the number
31 of a valid alien registration issued by the United States Immigration and Naturalization
32 Service and pays the applicable fee.

33 **SECTION 9.** The State Board of Elections shall review all voter
34 registrations processed through the Division of Motor Vehicles where there is no valid
35 social security number on the application or where the social security number does not
36 match the applicant based on the verification required by Section 3 of this act. Those
37 persons who used their drivers license as proof of residency shall be required to submit
38 other proof of residency or shall not be permitted to vote. This review shall be
39 conducted prior to the elections in November 2006.

40 **SECTION 10.** This act becomes effective July 1, 2005.