

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1399

Short Title: Ensure Integrity of NC Drivers Licenses. (Public)

Sponsors: Representatives Holloway, Dollar (Primary Sponsors); Blackwood, Blust, Cleveland, Hilton, Hurley, Pate, and Setzer.

Referred to: Homeland Security, Military and Veterans Affairs, if favorable, Transportation and, if favorable, to the Com on Judiciary I.

April 12, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE PROTECTION AGAINST TERRORISM AND IDENTITY THEFT, AND TO ENSURE THE INTEGRITY OF NC DRIVERS LICENSES.

The General Assembly of North Carolina enacts:

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

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

...

(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 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 valid social security number.
- (6) The applicant's signature.

1 The Division shall not issue an identification card, learners permit, or drivers license
2 license, or a duplicate identification card, learners permit, or drivers license to an
3 applicant who fails to provide the applicant's valid social security number."

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

5 "**§ 20-7. Issuance and renewal of drivers licenses.**

6 ...

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

- 11 (1) A document issued by an agency of the United States ~~or by the~~
12 ~~government of another nation.~~ States, the State of North Carolina, or
13 another state, but does not include a province of Canada.
- 14 (2) ~~A document issued by another state.~~
- 15 (3) ~~A document issued by the State of North Carolina, or a political~~
16 ~~subdivision of this State. This includes an agency or instrumentality of~~
17 ~~this State.~~
- 18 (4) ~~A preprinted bank or other corporate statement.~~
- 19 (5) ~~A preprinted business letterhead.~~
- 20 (6) Any other verifiable document deemed reliable by the Division.

21 ..."

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

23 "**§ 20-7. Issuance and renewal of drivers licenses.**

24 ...

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

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

44 ..."

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

2 "**§ 20-7. Issuance and renewal of drivers licenses.**

3 ...

4 (b5) The Division rules adopted pursuant to subsection (b3) of this section shall
5 also provide that if an 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 legal guardian of the applicant, may complete an affidavit, on a form
8 provided by the Division and sworn to before an official of the Division, indicating the
9 applicant's current residence address. The affidavit shall contain the provisions of
10 G.S. 20-15(a) and G.S. 20-17(a)(5) and shall indicate the civil and criminal penalties for
11 completing a false ~~affidavit~~ affidavit as described in G.S. 20-31."

12 **SECTION 5.** G.S. 20-7(f)(3) reads as rewritten:

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

14 ...

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

17 ...

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

32 **SECTION 6.** G.S. 20-7(s) reads as rewritten:

33 "**§ 20-7. Issuance and renewal of drivers licenses.**

34 ...

35 (s) Notwithstanding the requirements of subsection (b1) of this section that an
36 applicant present a valid social security number, the Division shall issue a drivers
37 license of limited duration, under subsection (f) of this section, to an applicant present in
38 the United States ~~under a valid visa issued to the applicant by the United States~~
39 ~~Department of Homeland Security if the applicant presents that valid visa.~~ that presents
40 a valid passport from the country of origin and valid documentation demonstrating legal
41 presence in the United States and that documentation is issued to the applicant under the
42 authority of the United States government. This requirement shall apply to the issuance
43 of any duplicate license issued under this subsection."

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

1 **"§ 20-31. Making false affidavits ~~perjury-perjury~~ or furnishing false information**
2 **to obtain a drivers license, learners permit, or identification card.**

3 (a) Any person who shall make any false affidavit, or shall knowingly swear or
4 affirm falsely, to any matter or thing required by the terms of this Article to be sworn to
5 or affirmed shall be guilty of a Class I ~~felony-felony~~ and shall be fined not less than one
6 thousand dollars (\$1,000) and shall be sentenced to a term of imprisonment not less than
7 90 days.

8 (b) Any person who furnishes false information to obtain a drivers license,
9 learners permit, or identification card issued by the Division shall be guilty of a Class
10 A1 misdemeanor and shall pay a fine of not less than five hundred dollars (\$500.00) and
11 be sentenced to a term of imprisonment of not less than 30 days.

12 **SECTION 8.** The Division of Motor Vehicles shall, by October 1, 2007,
13 verify the social security number of all current license holders for licenses issued by the
14 Division. In the event a social security number and the name on the license do not
15 match, the Division shall notify the license holder by first-class mail, at the last known
16 address of the license holder, and advise that the license holder has 30 days to present a
17 valid social security number matching the license holder's name to a drivers license
18 examiner or the license will be suspended. If it is determined that a fraudulent
19 application was made, the Division shall immediately revoke the license pursuant to
20 G.S. 20-15(a) and initiate criminal process pursuant to G.S. 20-31. If the Division
21 determines that a license holder does not have a social security number, the Division
22 shall notify the license holder by first-class mail, at the last known address of the license
23 holder, and advise that the license holder has 30 days to present valid documentation
24 issued by the United States government, matching the license holder's name, to a drivers
25 license examiner or the license will be revoked. If it is determined that a fraudulent
26 application was made, the Division shall immediately revoke the license pursuant to
27 G.S. 20-15(a) and initiate criminal process pursuant to G.S. 20-31.

28 **SECTION 9.** Sections 1 through 6 are effective when this act becomes law.
29 Sections 7 and 8 of this act become effective December 1, 2007, and apply to offenses
30 committed on or after that date.