

1 **Amendment-in-the-Nature-of-a-Substitute**
2 **November 5, 2013**

6 A BILL

8 20-275

10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

12
13
14 To amend the District of Columbia Traffic Act, 1925, ~~to allow for the issuance of a driver's~~
15 ~~license, permit, or identification card for District residents who cannot establish lawful~~
16 ~~presence in the United States; to allow for the issuance of a limited purpose driver's~~
17 ~~license, permit, or identification card for District residents who have not been assigned a~~
18 ~~social security number or cannot establish legal presence in the United States, and to~~
19 ~~provide privacy protection for information provided to the Department of Motor~~
20 ~~Vehicles.~~

21
22
23 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
24 act may be cited as the "Driver's Safety Amendment Act of 2013".

25 ~~Sec. 2. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat.~~
26 ~~1119; D.C. Official Code § 50-1401.01 *passim*), is amended as follows:~~

27 ~~(a) Section 7(a)(1) (D.C. Official Code § 50-1401.01(a)(1)) is amended by adding a new~~
28 ~~subsection (A1) to read as follows:~~

29 ~~"(A1) Starting in fiscal year 2016, an applicant for an operator's permit shall pay~~
30 ~~an application fee of \$47, which may be increased or decreased by the Mayor to compensate the~~
31 ~~District for processing and evaluating the application and issuing the permit."~~

32 ~~(b) Section 7(6)(b)(2) (D.C. Official Code § 50-1401(6)(b)(2) is amended by adding the~~
33 ~~following sentence at the end of the paragraph:~~

34 ~~"This subsection shall not apply to an applicant eligible for a driver's license, permit, or~~
35 ~~identification card pursuant to section 8(c)."~~

1 (c) A new section 8c is added to read as follows:

2 “Sec. 8c. Driver’s license, permit, or identification card for undocumented District
3 residents.

4 “(a) The Mayor, consistent with subsection (b) of this section, shall issue a driver’s
5 license, permit, or identification card to an applicant who:

6 “(1) Has resided in the District of Columbia for longer than 6 months;

7 “(2) Is ineligible to obtain a social security number;

8 “(3) Has obtained an individual tax identification number (“ITIN”) issued by the
9 Internal Revenue service; and

10 “(4) Is unable to present documentation issued by the United States Citizenship
11 and Immigration Services authorizing the applicant’s presence in the United States.

12 “(b) To obtain a driver’s license or permit in accordance with subsection (a) of this
13 section, an applicant shall:

14 “(1) Submit to the Department of Motor Vehicles a valid, unexpired foreign
15 passport or foreign birth certificate from the applicant’s country of citizenship. If the passport or
16 birth certificate is not in English it shall include a certified translation; and

17 “(2) Satisfy the applicable requirements of section 7 of the District of Columbia
18 Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-1401.01);
19 and sections 100–111 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR
20 § 100 *et seq.*); provided, that the Mayor shall not require persons applying for a driver’s license
21 or permit under this section to provide a social security number or any further document to prove
22 the absence of a social security number.

1 ~~“(e) To obtain an identification card in accordance with subsection (a) of this section, an~~
2 ~~applicant shall meet the applicable requirements of section 112 of Title 18 of the District of~~
3 ~~Columbia Municipal Regulations (18 DCMR § 112).~~

4 ~~“(d) A driver’s license or identification card issued under subsection (a) of this section~~
5 ~~shall be valid for 8 years. A driver’s permit or provisional permit shall be valid for the time~~
6 ~~period as set forth in sections 7(a)(2) and 7(a)(2A) of the District of Columbia Traffic Act, 1925,~~
7 ~~approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50.1401.01(a)(2) and (a)(2A)).~~

8 ~~“(e) An individual who is issued a driver’s license or permit under this section shall have~~
9 ~~the equivalent authorization to operate a motor vehicle as provided in section 7 of the District of~~
10 ~~Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-~~
11 ~~1401.01), and shall be subject to all statutory and regulatory provisions pertaining to driver~~
12 ~~licensing and operation of a motor vehicle.”.~~

13 ~~Sec. 3. Rules.~~

14 ~~The Mayor may issue rules to implement this section. The proposed rules shall be~~
15 ~~submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal~~
16 ~~holidays, and days of Council recess. If the Council does not approve or disapprove the proposed~~
17 ~~rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be~~
18 ~~deemed approved.~~

19 ~~Sec. 4. Applicability.~~

20 ~~This act shall apply as of May 1, 2014; provided, that the inclusion of its fiscal effect in~~
21 ~~an approved budget and financial plan has been certified by the Chief Financial Officer to the~~
22 ~~Budget Director of the Council in a certification published by the Council in the District of~~
23 ~~Columbia Register.~~

1 ~~Sec. 6. Fiscal impact statement.~~

2 ~~The Council adopts the fiscal impact statement in the committee report as the fiscal~~
3 ~~impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,~~
4 ~~approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).~~

5 ~~Sec. 7. Effective date.~~

6 ~~This act shall take effect following approval by the Mayor (or in the event of veto by the~~
7 ~~Mayor, action by the Council to override the veto), a 30-day period of Congressional~~
8 ~~review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved~~
9 ~~December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the~~
10 ~~District of Columbia Register.~~

11
12 Sec. 2. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat.
13 1119; D.C. Official Code § 50-1401.01 *passim*), is amended as follows:

14 (a) Section 7 (D.C. Official Code 50-1401.01) is amended as follows:

15 (1) Subsection (a)(1) is amended by adding a new subsection (A1) to read as
16 follows:

17 “(A1) *Starting in fiscal year 2016, Effective October 1, 2015, an applicant for an*
18 *operator’s permit shall pay an application fee of \$47, which may be increased or decreased by*
19 *the Mayor to compensate the District for processing and evaluating the application and issuing*
20 *the permit. The Mayor is authorized to prorate the fee to correspond to the duration of the*
21 *license issued.*”.

22 (2) Section (b)(2) is amended by adding the following sentence at the end of the
23 paragraph: “This ~~subsection~~ *paragraph* shall not apply to an applicant eligible for a limited
24 purpose driver’s license, permit, or identification card pursuant to section 8c.”.

(b) Section 7b (D.C. Official Code § 50-1401.01b), is amended as follows:

(1) A new ~~subsection~~ paragraph (a)(4) is added to read as follows:

“(4) “Information relating to legal presence” means any information that may reveal whether a person is legally present in the United States, including whether the driver’s license or identification card that a person possesses was issued under section 8c, and the documentation used to prove identity, date of birth, and residence that was provided by the applicant for a driver’s license or identification card.”.

(2) Subsection (d) is amended as follows:

(a) Paragraph (3) is amended by striking the word “and”.

(b) Paragraph (4) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (5) is added to read as follows:

“(5) Information relating to legal presence ^{shall} ~~may not be disclosed to any person~~ ^{and shall not be disclosed} to any federal, state, or local governmental entity, ^J except as necessary to comply with a legally issued warrant or subpoena.”.

(c) A new section 8c (D.C. Official Code § 50-1401.05) is added to read as follows:

“Sec. 8c. Limited purpose driver’s license, permit, or identification card.

“(a) The Mayor, consistent with subsection (b) and (c) of this section, shall issue a limited purpose driver’s license, permit, or identification card to an applicant who:

“(1) Has resided in the District of Columbia for longer than 6 months; and

“(2) Has not been assigned a social security number or is ineligible to obtain a social security number ~~and cannot comply with section (b)(2) of section 7 The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-1401.01; because the applicant cannot present documentation issued by United States~~

Mandelson
oral
amendment

Citizenship and Immigration Services authorizing the applicant's presence in the United States;
and

"(3) meets the requirements of this section.

"(b) To obtain a driver's license or permit in accordance with subsection (a) of this
section, an applicant shall:

"(1) Provide, under penalty of perjury, proof of identity, date of birth, and
residency to the Department of Motor Vehicles ("Department") as defined by the Department by
rule. If a document provided is not in English it shall include a certified translation; and

~~"(2) Provide a written statement under penalty of perjury that the applicant is~~
~~ineligible to obtain a social security number or has not been assigned a social security number;~~

"(3) Satisfy the applicable requirements of section 7 of the District of Columbia
Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-1401.01),
and sections 100 - 111 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR
§ 100 et seq.); provided, that the Mayor shall not require an applicant for a limited purpose
driver's license or permit under this section to provide a social security number or any further
document to prove the absence of a social security number. ~~other than the written statement~~
~~required by paragraph (2) of this subsection.~~

"(c) To obtain a limited purpose identification card in accordance with subsection (a) of
this section, an applicant shall:

(1) Meet the requirements of subsections (b)(1) ~~and (b)(2)~~ of this section; and

(2) Meet the applicable requirements of section 112 of Title 18 of the District of
Columbia Municipal Regulations (18 DCMR § 112).

"(d) A driver's license or identification card issued under subsection (a) of this section
shall be valid for 8 years. A driver's permit or provisional permit shall be valid for the time

1 period as set forth in sections 7(a)(2) and 7(a)(2A) of the District of Columbia Traffic Act, 1925,
2 approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50.1401.01(a)(2) and (a)(2A)).

3 “(e) An individual who is issued a driver’s license or permit under this section shall have
4 the equivalent authorization to operate a motor vehicle as provided in section 7 of the District of
5 Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-
6 1401.01), and shall be subject to all statutory and regulatory provisions pertaining to driver
7 licensing and operation of a motor vehicle.

8 “(f)(1) A limited purpose driver’s license, permit, or identification card issued under
9 subsection (a) of this section shall state the following on the face of the card and in its machine-
10 readable zone in a font size no larger than the smallest font size otherwise appearing on the card:
11 “Not valid for official federal purposes”.; ~~provided, that the Mayor may incorporate different~~
12 ~~features only if:~~

13 (2) ~~The Mayor may incorporate different features but only if doing would result in~~
14 ~~a card that appears more similar to a license issued under section 7 of the District of Columbia~~
15 ~~Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-1401.01), or~~
16 ~~if required by the Department of Homeland Security; provided that the Mayor does so to the~~
17 ~~minimum extent necessary to comply. Doing so would result in a card that appears more similar~~
18 ~~to a standard issued card; or~~

19 ~~—— (2) Required in order to comply with federal law; provided that the Mayor does~~
20 ~~so to the minimum extent necessary to comply.~~

21 “(g) A limited purpose driver’s license, permit, or identification card issued under
22 subsection (a) of this section shall not be used to consider an individual’s citizenship or
23 immigration status, or as a basis for a criminal investigation, arrest, or detention.”.

1 “(h) The mayor may issue rules to implement this section. The proposed rules shall be
2 submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal
3 holidays, and day of Council recess. If the Council does not approve or disapprove the proposed
4 rules, in whole or in part, by resolution within this 45 day period, the proposed rules shall be
5 deemed approved.

6 Sec. 3. Rules.

7 The Mayor shall issue rules to implement this section.

8 Sec. 4-3. Applicability.

9 This act shall apply as of May 1, 2014.; ~~provided, that the inclusion of its fiscal effect in~~
10 ~~an approved budget and financial plan has been certified by the Chief Financial Officer to the~~
11 ~~Budget Director of the Council in a certification published by the Council in the District of~~
12 ~~Columbia Register.~~

13 Sec. 5- 4. Fiscal impact statement.

14 The Council adopts the fiscal impact statement in the committee report as the fiscal
15 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
16 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

17 Sec. 6- 5. Effective date.

18 This act shall take effect following approval by the Mayor (or in the event of veto by the
19 Mayor, action by the Council to override the veto), a 30-day period of Congressional
20 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved
21 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the
22 District of Columbia Register.

COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff, Budget Director

DATE: November 5, 2013

SHORT TITLE: B20-275 "Drivers Safety Amendment Act of 2013," Amendment in the Nature of a Substitute

TYPE: Amendment

REQUESTED BY: Councilmember Mary Cheh

Conclusion

This amendment-in-the-nature-of-a-substitute will not have an adverse impact on the District's budget and financial plan. As noted in the Fiscal Impact Statement (FIS) dated July 2, 2013, funds are sufficient in the proposed FY 2014 through FY 2017 budget and financial plan to implement the bill. The underlying FIS remains unchanged.

Background

Rather than allow for issuance of standard driver's licenses, permits, and identification cards to District residents who cannot establish lawful presence in the United States, this amendment-in-the-nature-of-a-substitute would allow for issuance of limited purpose driver's licenses, permits, and identification cards with the statement "Not valid for official federal purposes." The limited purpose documents would be made available to those individuals that have resided in the District of Columbia longer than 6 months and have not been assigned a social security number, notwithstanding whether they are eligible. The amendment also requires that applicants prove identity, date of birth, and residency rather than submit passports or birth certificates. In addition, the amendment prohibits disclosure of information relating to legal presence, except as necessary to comply with a legally issued warrant or subpoena. Finally, the amendment prohibits the limited purpose driver's licenses, permits, and identification cards from being used to consider an individual's citizenship or immigration status or as a basis for a criminal investigation, arrest, or detention.

Analysis of Impact on Spending

This amendment will not adversely impact spending.

Analysis of Impact on Revenue

This amendment will not adversely impact revenue.