

Senate File 283 - Introduced

SENATE FILE 283

BY McCOY

A BILL FOR

1 An Act concerning the issuance of limited driver's licenses
2 and nonoperator's identification cards to certain foreign
3 nationals.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 14A. "*Consular identification document*"
4 means an official identification card issued by a foreign
5 government that meets all of the following requirements:

6 a. The identification card is issued through the foreign
7 government's consular offices for the purpose of identifying
8 a foreign national who is living outside the foreign
9 jurisdiction.

10 b. The foreign government requires the foreign national
11 to provide proof of nationality that is within the foreign
12 government's jurisdiction and proof of identity to obtain the
13 identification card.

14 c. The foreign government includes all of the following
15 security features in the identification card:

16 (1) A unique identification number.

17 (2) An optically variable feature such as a hologram or
18 color-shifting inks.

19 (3) An ultraviolet image.

20 (4) Encoded information.

21 (5) Machine-readable technology.

22 (6) Microprinting.

23 (7) Secure laminate.

24 (8) Integrated photograph and signature.

25 d. The identification card includes on its face the name of
26 the individual to whom it is issued, the date of issuance, the
27 date of expiration, the name of the issuing consular office or
28 foreign government, and the unique identification number. The
29 identification card must include an English translation of the
30 data fields.

31 e. The issuing consular office or foreign government has
32 filed with the department a copy of the foreign government's
33 standard consular identification document and a certification
34 of the procedures that are used to satisfy the requirements of
35 paragraphs "b" and "c".

1 Sec. 2. Section 321.182, subsection 1, paragraph a, Code
2 2013, is amended to read as follows:

3 a. Make application on a form provided by the department
4 which shall include the applicant's full name, signature,
5 current mailing address, current residential address, date
6 of birth, social security number, and physical description
7 including sex, height, and eye color. The application may
8 contain other information the department may require by rule.
9 Pursuant to procedures established by the department and for
10 an applicant who is a foreign national temporarily present
11 in this state or an applicant for a limited driver's license
12 issued under section 321.182A, the department may waive the
13 requirement that the application include the applicant's social
14 security number.

15 Sec. 3. **NEW SECTION.** **321.182A Limited driver's license.**

16 1. The department may issue a limited driver's license,
17 valid for a period of two years, to a person who is a resident
18 of this state, who is otherwise eligible for a driver's license
19 but does not present a social security number or documentation
20 of authorized presence issued by the United States citizenship
21 and immigration services.

22 2. In addition to other documents accepted by the department
23 under administrative rules to establish the identity and
24 date of birth of an applicant for a driver's license, if the
25 applicant is applying for a limited driver's license under
26 this section, the department may accept a valid unexpired
27 passport from the applicant's country of citizenship or a valid
28 unexpired consular identification document.

29 3. An applicant for a limited driver's license who is under
30 eighteen years of age at the time of application is subject to
31 the provisions of sections 321.177, subsection 1, and section
32 321.184.

33 4. Except as otherwise provided by law, a person issued a
34 limited driver's license is subject to the provisions of this
35 Code and administrative rules to the same extent as a person

1 issued any other driver's license under this chapter, including
2 but not limited to financial liability coverage requirements
3 under section 321.20B and examination requirements under
4 section 321.186.

5 5. A peace officer shall not detain, arrest, penalize, or
6 discriminate against a person based solely on the person's
7 presentation of a limited driver's license.

8 6. For purposes of this chapter, a limited driver's license
9 constitutes proof of identity to the same extent as any other
10 driver's license issued pursuant to this chapter.

11 7. The department may adopt rules as necessary to implement
12 this section, including but not limited to rules regarding the
13 design and content of the limited driver's license; alternative
14 identifying numbers to be used by the department to establish
15 the identity of an applicant, including a federal individual
16 taxpayer identification number; the issuance of limited
17 driver's license instruction permits; and appropriate fees
18 to be charged for issuance of limited driver's licenses and
19 instruction permits.

20 8. Notwithstanding section 321.11 or any other provision
21 of law to the contrary, in any disclosure pertaining to a
22 licensee, the department shall not distinguish between limited
23 driver's license status and any other licensure status.

24 Sec. 4. Section 321.189, Code 2013, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 9. *Limited driver's license.* In addition
27 to any other requirements applicable to the license, a limited
28 driver's license shall contain on its face the words "not valid
29 for certain federal purposes".

30 Sec. 5. Section 321.190, subsection 1, paragraph b, Code
31 2013, is amended by adding the following new subparagraph:

32 NEW SUBPARAGRAPH. (5) A nonoperator's identification
33 card issued to a foreign national who meets the eligibility
34 requirements under section 321.182A shall contain the same
35 information as any other nonoperator's identification card

1 except the words "not valid for certain federal purposes" shall
2 appear prominently on the face of the card.

3 Sec. 6. Section 321.190, subsection 1, paragraph d, Code
4 2013, is amended to read as follows:

5 d. The fee for a nonoperator's identification card shall
6 be five dollars and the card shall be valid for a period
7 of five years from the date of issuance. A nonoperator's
8 identification card shall be issued without expiration
9 to anyone age seventy or over. If an applicant for a
10 nonoperator's identification card is a foreign national
11 who is temporarily present in this state, the nonoperator's
12 identification card shall be issued only for the length of time
13 the foreign national is authorized to be present as determined
14 by the department, not to exceed two years. If an applicant
15 for a nonoperator's identification card is a foreign national
16 who meets the eligibility requirements under section 321.182A,
17 the nonoperator's identification card shall be valid for two
18 years. An issuance fee shall not be charged for a person whose
19 driver's license or driving privilege has been suspended under
20 section 321.210, subsection 1, paragraph "a", subparagraph (3).

21 Sec. 7. Section 321.196, subsection 1, Code 2013, is amended
22 to read as follows:

23 1. Except as otherwise provided, a driver's license, other
24 than an instruction permit, chauffeur's instruction permit, or
25 commercial driver's instruction permit issued under section
26 321.180, expires five years from the licensee's birthday
27 anniversary occurring in the year of issuance if the licensee
28 is between the ages of seventeen years eleven months and
29 seventy years on the date of issuance of the license. If the
30 licensee is under the age of seventeen years eleven months or
31 age seventy or over, the license is effective for a period of
32 two years from the licensee's birthday anniversary occurring in
33 the year of issuance. A licensee whose license is restricted
34 due to vision or other physical deficiencies may be required
35 to renew the license every two years. If a licensee is a

1 foreign national who is temporarily present in this state,
2 the license shall be issued only for the length of time the
3 foreign national is authorized to be present as verified by
4 the department, not to exceed two years. A limited driver's
5 license issued pursuant to section 321.182A shall be issued for
6 two years and may be renewed.

7 EXPLANATION

8 This bill provides for the issuance of a limited driver's
9 license or nonoperator's identification card to a person
10 who presents a consular identification document as proof of
11 identification and date of birth.

12 The bill defines "consular identification document" as an
13 official identification card issued by a foreign government,
14 through the foreign government's consular offices, for the
15 purpose of identifying a foreign national who is living
16 outside the foreign jurisdiction. The definition specifies
17 security attributes that a consular identification document
18 must have, and content the document must contain. The document
19 must include an English translation of the data fields. The
20 definition also requires that a copy of the standard document
21 issued by the consular office or foreign government be filed
22 with the department of transportation along with certification
23 of procedures used to ascertain the identity of a person
24 to whom a consular identification document is issued and
25 procedures used to satisfy the specified security requirements
26 of the document.

27 Under the bill, the department of transportation may issue a
28 limited driver's license to a person who is otherwise qualified
29 for a driver's license but does not present a social security
30 number or document of authorized presence issued by the United
31 States citizenship and immigration services. The department
32 may accept an unexpired passport from the applicant's country
33 of citizenship or a valid unexpired consular identification
34 document as proof of identification and date of birth. The
35 bill specifies that a person with a limited driver's license is

1 subject to all of the Code provisions and administrative rules
2 applicable to a person with any other type of driver's license,
3 including provisions relating to drivers under 18 years of age,
4 examination requirements, and financial liability coverage
5 requirements. For purposes of Code chapter 321 relating to the
6 regulation of motor vehicles and motor vehicle operators, a
7 limited driver's license constitutes proof of identification
8 to the same extent as any other driver's license. However, a
9 limited driver's license must have on its face the words "not
10 valid for certain federal purposes". The bill provides that a
11 limited driver's license shall be valid for two years and may
12 be renewed. The department of transportation is prohibited
13 from distinguishing between limited driver's license status
14 and any other licensure status in any disclosure pertaining to
15 a licensee. The department may adopt rules relating to the
16 issuance of limited driver's licenses and instruction permits,
17 including providing for appropriate license fees.

18 The bill also provides for the issuance of nonoperator's
19 identification cards to applicants who meet the eligibility
20 requirements for a limited driver's license.