

House File 2318 - Introduced

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BY KOOIKER

A BILL FOR

1 An Act concerning the issuance of temporary visitor driver's
2 licenses to certain foreign nationals.

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

1 Section 1. Section 321.1, Code 2016, 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. NEW SECTION. 321.182A Temporary visitor driver's
2 license.

3 1. The department may issue a temporary visitor driver's
4 license, valid for a period of two years, to a person who is
5 a resident of this state, is employed or is a student, and
6 is otherwise eligible for a driver's license but does not
7 present a social security number or documentation of authorized
8 presence issued by the department of homeland security, United
9 States citizenship and immigration services.

10 2. In addition to other documents accepted by the department
11 under administrative rules to establish the identity and
12 date of birth of an applicant for a driver's license, if the
13 applicant is applying for a temporary visitor driver's license
14 under this section, the department may accept a valid unexpired
15 passport from the applicant's country of citizenship or a valid
16 unexpired consular identification document.

17 3. An applicant for a temporary visitor driver's license
18 who is under eighteen years of age at the time of application
19 is subject to the provisions of sections 321.177, subsection
20 1, and section 321.184.

21 4. Except as otherwise provided by law, a person issued a
22 temporary visitor driver's license is subject to the provisions
23 of this Code and administrative rules to the same extent as a
24 person issued any other driver's license under this chapter,
25 including but not limited to financial liability coverage
26 requirements under section 321.20B and examination requirements
27 under section 321.186.

28 5. A peace officer shall not detain, arrest, penalize, or
29 discriminate against a person based solely on the person's
30 presentation of a temporary visitor driver's license.

31 6. For purposes of this chapter, a temporary visitor
32 driver's license constitutes proof of identity to the same
33 extent as any other driver's license issued pursuant to this
34 chapter. However, a temporary visitor driver's license shall
35 not be used to determine voting eligibility or eligibility for

1 any license issued or benefit or service provided by this state
2 or a political subdivision of this state.

3 7. The department may adopt rules as necessary to implement
4 this section, including but not limited to rules regarding the
5 design and content of the temporary visitor driver's license;
6 the documents necessary to demonstrate employment or student
7 status; alternative identifying numbers to be used by the
8 department to establish the identity of an applicant, including
9 a federal individual taxpayer identification number; the
10 issuance of temporary visitor driver's instruction permits; and
11 the appropriate amount of fees to be charged for issuance of
12 temporary visitor driver's licenses and instruction permits.

13 8. Notwithstanding section 321.11 or any other provision
14 of law to the contrary, in any disclosure pertaining to
15 a licensee, the department shall not distinguish between
16 temporary visitor driver's license status and any other
17 licensure status.

18 Sec. 3. Section 321.189, Code 2016, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 9. *Temporary visitor driver's license.*
21 A temporary visitor driver's license shall be of the same
22 design as a driver's license of the same class, except for
23 such minimal changes as are necessary to comply with the
24 requirements of the federal REAL ID Act of 2005, Pub. L. No.
25 109-13, §202(d)(11).

26 Sec. 4. Section 321.196, subsection 1, Code 2016, is amended
27 to read as follows:

28 1. Except as otherwise provided, if the licensee is between
29 the ages of seventeen years eleven months and seventy-two years
30 on the date of issuance of the license, a driver's license,
31 other than an instruction permit, chauffeur's instruction
32 permit, or commercial learner's permit issued under section
33 321.180, expires eight years from the licensee's birthday
34 anniversary occurring in the year of issuance, but not to
35 exceed the licensee's seventy-fourth birthday. If the licensee

1 is under the age of seventeen years eleven months or age
2 seventy-two or over, the license is effective for a period of
3 two years from the licensee's birthday anniversary occurring in
4 the year of issuance. A licensee whose license is restricted
5 due to vision or other physical deficiencies may be required
6 to renew the license every two years. If a licensee is a
7 foreign national who is temporarily present in this state,
8 the license shall be issued only for the length of time the
9 foreign national is authorized to be present as verified by
10 the department, not to exceed two years. A temporary visitor
11 driver's license issued pursuant to section 321.182A shall be
12 issued for two years and may be renewed.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 This bill provides for the issuance of a temporary visitor
17 driver's license to a person who is an Iowa resident, is
18 employed or is a student, and who presents a foreign passport
19 or consular identification document as proof of identification
20 and date of birth.

21 The bill defines "consular identification document" as an
22 official identification card issued by a foreign government,
23 through the foreign government's consular offices, for the
24 purpose of identifying a foreign national who is living outside
25 the foreign jurisdiction. The definition specifies security
26 attributes that a consular identification document must have
27 and information the document must contain. The document
28 must include an English translation of the data fields. The
29 definition also requires that a copy of the standard document
30 issued by the consular office or foreign government be filed
31 with the department of transportation (DOT) along with
32 certification of procedures used to ascertain the identity of a
33 person to whom a consular identification document is issued and
34 procedures used to satisfy the specified security requirements
35 of the document.

1 Under the bill, the DOT may issue a temporary visitor
2 driver's license to a person who is employed or is a student,
3 and who is otherwise qualified for a driver's license but does
4 not present a social security number or document of authorized
5 presence issued by the department of homeland security, United
6 States citizenship and immigration services. The DOT may
7 accept an unexpired passport from the applicant's country
8 of citizenship or a valid unexpired consular identification
9 document as proof of identification and date of birth.

10 The bill specifies that a person with a temporary visitor
11 driver's license is subject to all of the Code provisions and
12 administrative rules applicable to a person with any other
13 type of driver's license, including provisions relating to
14 drivers under 18 years of age, examination requirements, and
15 financial liability coverage requirements. For purposes of
16 Code chapter 321 relating to the regulation of motor vehicles
17 and motor vehicle operators, a temporary visitor driver's
18 license constitutes proof of identification to the same extent
19 as any other driver's license. However, the license shall not
20 be used to determine voting eligibility or eligibility for any
21 license issued or benefit or service provided by this state or
22 a political subdivision of this state.

23 The design of the temporary visitor driver's license shall
24 be the same as another driver's license of the same class,
25 except that the DOT may make minimal changes as necessary to
26 comply with requirements of the federal REAL ID Act of 2005
27 relating to driver's licenses that may not be used for federal
28 purposes according to that Act. The bill provides that a
29 temporary visitor driver's license shall be valid for two years
30 and may be renewed. The DOT is prohibited from distinguishing
31 between temporary visitor driver's license status and any other
32 licensure status in any disclosure pertaining to a licensee.
33 The DOT may adopt rules relating to the issuance of temporary
34 visitor driver's licenses and instruction permits, including
35 providing for appropriate license fees.