



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

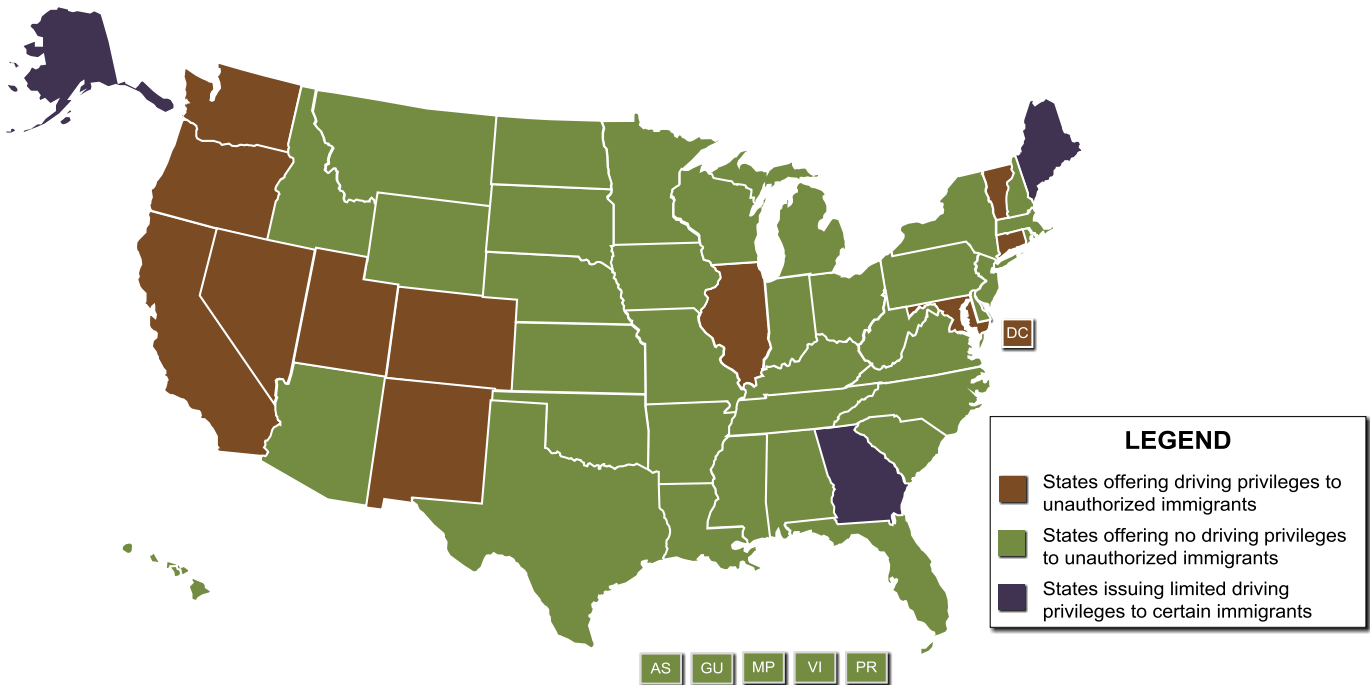
States Offering Driver's Licenses to Immigrants

By Gilberto Soria Mendoza

April 2, 2014

States issue driver's licenses under the constitutional authority of the Tenth Amendment. Congress enacted REAL ID in 2005 creating standards for state-issued driver's licenses, including evidence of lawful status. This is a summary of state legislation authorizing driver's licenses or authorization cards for unauthorized immigrants (not to be used for federal identification purposes) and examples of limits or exceptions for legal immigrants' licenses.

Eleven states and the District of Columbia enacted laws to allow unauthorized immigrants to obtain a driver's licenses. These states—California, Colorado, Connecticut, Illinois, Maryland, New Mexico, Nevada, Oregon, Utah, Vermont and Washington—issue a license if an applicant provides certain documentation, such as a foreign birth certificate, a foreign passport, or a consular card and evidence of current residency in the state. Eight of these states extended driving privileges in 2013 and Georgia and Maine enacted more limited laws. Georgia allows a temporary driving permit for legal immigrants with pending visa extensions. Maine exempts certain older or long-term driver's license holders from the legal presence requirement. In 2014, Alaska passed a law linking a driver's license expiration date to the visa expiration date.



Enacted Legislation

State	Bill	Year	Summary
California	A 2189	2012	This law allows the DMV to issue a driver's license to deferred action recipients who can provide evidence of their authorized presence in the United States, even if they are ineligible for a Social Security number.
	A 60	2013	This law requires the Department of Motor Vehicles to issue driver's licenses to individuals who are ineligible for a Social Security Number, if the required documentation is provided.
Colorado	S 251	2013	This law allows individuals to qualify for a driver's license, instruction permit or identification card, despite the individual not being lawfully present or being only temporarily lawfully present in the United States if certain conditions are met, such as providing state tax returns.

Connecticut	H 6495	2013	This law provides driver's licenses to applicants who submit a valid foreign passport or consular identification and proof of residency, regardless of legal presence in the United States. Applicants must file to legalize as soon as he or she is eligible
Illinois	S 957	2012	This law allows the Secretary of State to issue a temporary visitor's driver's license to an individual who has resided in Illinois for a specified time but is ineligible to obtain a Social Security number, and unable to prove lawful presence. A valid, unexpired foreign passport or consular identification document from their country of citizenship are acceptable forms of identification.
Maryland	S 715	2013	This law authorizes the issuance of driver's licenses to those who do not have lawful status or a valid Social Security number. New applicants must provide evidence that the applicant has filed two years of Maryland income tax returns or proof of residency or have been claimed as a dependent by an individual who has filed Maryland income tax returns. The licenses are not valid for Federal identification purposes.
New Mexico	H 173	2003	This law allows the Department of Motor Vehicles to accept tax identification numbers as a substitute for a Social Security number regardless of immigration status.
Nevada	S 303	2013	This law creates a driver's authorization card and allows applicants, regardless of legal status, to provide birth certificates or passports issued by a foreign country as proof of identity. This law also prohibits the release of information relating to legal status for purposes relating to the enforcement of immigration laws.
Oregon	S 833	2013	This law provides that the Department of Transportation issue, renew or replace a driver card without requiring proof of legal presence in the United States, so long as other eligibility requirements are met.
Utah	S 227	2005	This law establishes a one year driving privilege card for unauthorized immigrants. Applicants without a Social Security number must prove Utah residency for six months and provide a tax identification number. The card is expressly prohibited from being used for any identification purposes by a governmental entity.
Vermont	S 38	2013	This law allows those Vermont residents unable to establish lawful presence in the United States to be eligible for a motor vehicle operator's privilege card or alternate identification card.
Washington	H 1444	1993	This law allows drivers license applicants without Social Security numbers to provide alternate documentation to show proof of residence in the state of Washington such as home utility bills and tax identification numbers.
District of Columbia	B 275	2013	This law creates a limited purpose driver's license, permit, or identification card for a District resident who has not been assigned a Social Security number or cannot establish legal presence in the United States.
THREE STATES ISSUE LIMITED DRIVING PRIVILEGES TO CERTAIN IMMIGRANTS			
Alaska	H 1	2014	This law changes the duration of a driver's license to match the expiration date of an authorized person's stay in the United States. The Department of Motor Vehicles may issue a driver's license for less than five years if the person is authorized to stay in the United States for less than five years. If the visa period is indefinite, the department may issue a one year license that can be renewed for up to five years without renewal fees.
Georgia	S 122	2013	This law authorizes the issuance of a temporary driving permit to noncitizen applicants whose state driver's license has expired, or will expire, who has filed a request for an extension to remain lawfully within the United States.
Maine	H 980	2013	This law allows the Secretary of State to exempt requirements for proving legal presence in the United States when renewing a driver's license or nondriver identification card if the individual has continuously held a valid license or ID card since Dec. 31, 1989 or was born before Dec. 1, 1964.

Source: NCSL Immigrant Policy Project

NCSL Contacts and Resources

Ann Morse
NCSL—Washington, D.C.
(202) 624-8697
ann.morse@ncsl.org

Gilberto Soria Mendoza
NCSL—Washington, D.C.
(202) 624-3576
gilberto.mendoza@ncsl.org

[NCSL Legisbrief: Driver's Licenses for Immigrants](#)
[NCSL Legisbrief: Immigration Reform and State Trends](#)
[NCSL Immigrant Policy Project Website](#)
[NCSL Immigration Database](#)

This fact sheet was made possible by a grant from the John D. and Catherine T. MacArthur Foundation. The statements made and views expressed are solely the responsibility of NCSL.