

ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Traffic Act, 1925 to allow for the issuance of a limited purpose driver's license, permit, or identification card to a District resident who has not been assigned a social security number or cannot establish legal presence in the United States, and to provide privacy protection for information submitted to the Department of Motor Vehicles in connection with an application for a limited purpose driver's license, permit, or identification card.

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

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

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

(1) Subsection (a)(1) is amended by adding a new subparagraph (A-i) to read as follows:

“(A-i) Effective October 1, 2015, an applicant for an operator's permit shall pay an application fee of \$47, which the Mayor may increase or decrease to compensate the District for processing and evaluating the application and issuing the permit. The Mayor may prorate the fee to correspond to the duration of the license issued.”

(2) Subsection (b)(2) is amended by adding the following sentence at the end: “This paragraph shall not apply to an applicant eligible for a limited purpose driver's license or permit pursuant to section 8c.”

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

(1) Subsection (a) is amended by adding a new paragraph (1A) to read as follows:

“(1A) “Information relating to legal presence” means any information that may reveal whether a person is legally present in the United States, including whether a person's driver's license or identification card was issued under section 8c, and the documentation provided by an applicant to prove identity, date of birth, and residence in connection with an application 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”.

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(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 not be disclosed to any person, and shall not be disclosed to any federal, state, or local governmental entity except as necessary to comply with a legally issued warrant or subpoena.”.

(c) A new section 8c (to be codified at 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 subsections (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 for longer than 6 months;

“(2) Has not been assigned a social security number or is ineligible to obtain a social security number; and

“(3) Meets the requirements of this section.

“(b)(1) To obtain a limited purpose driver’s license or permit in accordance with subsection (a) of this section, an applicant shall:

“(A) 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; and

“(B) Satisfy the applicable requirements of section 7 and sections 100 through 111 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR §§ 100-111); 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 document to prove the absence of a social security number.

“(2) An applicant shall include a certified translation of a document provided that is not in English.

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

“(1) Meet the requirements of subsection (b)(1)(A) 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); provided, that the Mayor shall not require an applicant for a limited purpose identification card under this section to provide a social security number or any document to prove the absence of a social security number.

“(d) A limited purpose driver’s license or identification card issued under subsection (a) of this section shall be valid for 8 years. A limited purpose learner’s or provisional permit shall be valid for the time period as set forth in sections 7(a)(2) and 7(a)(2A).

“(e) An individual who is issued a limited purpose driver’s license or permit under this section shall have the equivalent authorization to operate a motor vehicle as provided in section 7 and shall be subject to all statutory and regulatory provisions pertaining to driver licensing and operation of a motor vehicle.

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“(f)(1) A limited purpose driver’s license, permit, or identification card issued under subsection (a) of this section shall state the following on the face of the card and in its machine-readable zone in a font size no larger than the smallest font size otherwise appearing on the card: “Not valid for official federal purposes.”

“(2) The Mayor may incorporate different features but only if doing so would result in a card that appears more similar to a license issued under section 7, or if required by the Department of Homeland Security; provided, that the Mayor does so to the minimum extent necessary to comply.

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

“(h) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be deemed approved.”

Sec. 3. Applicability.

This act shall apply as of May 1, 2014.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia