

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Brendan P. Crighton

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to work and family mobility during and subsequent to the COVID-19 emergency.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Brendan P. Crighton

Third Essex

Adam Gomez

Hampden

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to work and family mobility during and subsequent to the COVID-19 emergency.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to ensure Massachusetts residents are able to travel safely during the declaration of emergency related to COVID-19 and thereafter, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 2 of chapter 90 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after the words “Social Security
3 Administration”, in line XX, the following words: proof of lawful presence in the United States
4 or any other document or combination of documents acceptable under section 8 as proof of
5 identity and date of birth.

6 SECTION 2. Section 8 of said chapter 90, as so appearing, is hereby amended by striking
7 out, in lines 275 to 277, the sentence “No license of any type may be issued to any person who
8 does not have lawful presence in the United States.” and inserting in place thereof the following
9 sentences:-

10 Persons who do not provide proof of lawful presence, including those who are ineligible
11 for a social security number, shall be eligible for a Massachusetts license if they meet all other
12 qualifications for licensure and provide satisfactory proof to the registrar of identity, date of birth
13 and Massachusetts residency. When processing an application for a Massachusetts license, a
14 learner’s permit, a Massachusetts identification card, or a motor vehicle registration, the registrar
15 shall not inquire about or create a record of an applicant’s citizenship or immigration status.

16 SECTION 3. Said section 8 of said chapter 90, as so appearing, is hereby further
17 amended in lines 278 and 279 by striking out the words “or a Massachusetts license”.

18 SECTION 4. Said section 8 of said chapter 90, as so appearing, is hereby further
19 amended by inserting before the word “license”, in line 287, the following words:- “REAL ID-
20 compliant”.

21 SECTION 5. Said section 8 of said chapter 90, as so appearing, is hereby further
22 amended by inserting after the word “temporary.”, in line 295, the following sentence:-

23 If, at the expiration of the term of a REAL ID-compliant license, the licensee does not
24 provide proof of lawful presence, the licensee shall remain eligible to apply for a Massachusetts
25 license.

26 SECTION 6. Said section 8 of said chapter 90, as so appearing, is hereby further
27 amended by adding the following paragraphs:-

28 For applicants for a Massachusetts license under this section or section 8B who do not
29 provide proof of lawful presence in the United States, the registrar shall accept the following
30 documents as proof of identity and date of birth: 1 document from list A, as described in this

31 section, or 2 documents from list B, as described in this section; provided, that if an applicant
32 presents 2 documents from list B, at least 1 document shall include a photograph of the applicant
33 and at least 1 document shall include the applicant's date of birth.

34 List A:

35 A foreign passport that is unexpired or that expired no more than 5 years before the date
36 of application; or

37 A consular identification document that is unexpired or that expired no more than 5 years
38 before the date of application.

39 List B:

40 A driver's license from any United States state or territory that is unexpired or that
41 expired no more than 5 years before the date of application;

42 An identification card issued by the registrar under Section 8E that is unexpired or that
43 expired no more than 5 years before the date of application;

44 An original or certified copy of a birth certificate; or

45 An Employment Authorization Document issued by United States Citizenship and
46 Immigration Services that expired no more than 5 years before the date of application.

47 Each applicant for a license or learner's permit under this chapter shall attest under the
48 pains and penalties of perjury that their license or right to operate has not been suspended or
49 revoked in another state, country or jurisdiction.

50 SECTION 7. Section 8B of said chapter 90, as so appearing, is hereby amended in lines
51 42 to 44 by striking the words “, except that no permit shall be issued to an applicant for a period
52 of time longer than the registrar determines the applicant is legally authorized to remain in the
53 United States”.

54 SECTION 8. Section 8E of said chapter 90, as so appearing, is hereby amended by
55 inserting, after the sentence ending on line 45, the following sentences:-

56 Persons who do not provide proof of lawful presence, including those who are ineligible
57 for a social security number, shall be eligible for a Massachusetts identification card if they meet
58 all other qualifications for a Massachusetts identification card and provide satisfactory proof to
59 the registrar of identity, date of birth and Massachusetts residency. When processing an
60 application for a Massachusetts identification card, registrar shall accept any document or
61 combination of documents acceptable under section 8 as proof of identity and date of birth.

62 SECTION 9. Said section 8E of said chapter 90, as so appearing, is hereby further
63 amended by inserting, before the words “identification card” in line 48, the words “REAL ID-
64 compliant”, and by striking out, after the words “identification card” in line 48, the words “of
65 any type”.

66 SECTION 10. Said section 8E of said chapter 90, as so appearing, is hereby further
67 amended by striking out, in line 51, the words “an identification card” and inserting in place
68 thereof “a REAL ID-compliant identification card”.

69 SECTION 11. Said section 8E of said chapter 90, as so appearing, is hereby further
70 amended by inserting, before the words “identification card” in line 60, and again before the
71 words “identification card” in line 62, the words “REAL ID-compliant”.

72 SECTION 12. Said section 8E of said chapter 90, as so appearing, is further amended by
73 inserting, after the sentence ending on line 68, the following sentence:-

74 “If, at the expiration of the term of a REAL ID-compliant identification card, the card
75 holder does not provide proof of lawful presence, the card holder may apply for a Massachusetts
76 identification card.”

77 SECTION 13. Section 30 of said chapter 90, as so appearing, is hereby amended by
78 inserting after the third sentence the following sentences:-

79 The registrar shall not keep any document or any copy of any document received or
80 presented in the course of an application for a Massachusetts license, Massachusetts
81 identification card, or registration used to prove identity, date of birth, residency, social security
82 number, or lack of or ineligibility for a social security number after such license or registration
83 has been issued. A proper record shall not reveal information about the documents received or
84 presented in the course of an application for a Massachusetts license, Massachusetts
85 identification card, or registration, including what type of documents were used to support the
86 application.

87 SECTION 14. Said section 30 of said chapter 90 is hereby further amended by adding the
88 following paragraph:-

89 Except as required by state or federal law, the registrar shall not sell, disclose, or permit
90 access to records kept by the registrar, including, but not limited to, personal identifying
91 information, communications between applicants and the registrar, photographs, images, and
92 biometric information. Records that are not otherwise required to be disclosed under state or
93 federal law shall be disclosed only pursuant to a judicial warrant.

SECTION 15. This act shall take effect in 90 days.