

**HOUSE . . . . . No. 4470**

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House bill No. 4461, as amended and passed to be engrossed by the House. February 16, 2022.

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The Commonwealth of Massachusetts

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

An Act relative to work and family mobility.

*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 8 of chapter 90 of the General Laws, as appearing in the 2020  
2 Official Edition, is hereby amended by striking out, in lines 275 to 277, inclusive, the words “No  
3 license of any type may be issued to any person who does not have lawful presence in the United  
4 States.” and inserting in place thereof the following words:- An applicant for a license under this  
5 section who does not provide proof of lawful presence, including an applicant who is ineligible  
6 for a social security number, shall be eligible for a Massachusetts license to operate a motor  
7 vehicle if the applicant meets all other qualifications for licensure and provides satisfactory proof  
8 to the registrar of their identity, date of birth and Massachusetts residency. When processing an  
9 application for a Massachusetts license pursuant to this section the registrar shall not inquire  
10 about or create a record of an applicant’s citizenship or immigration status. When processing an  
11 application for registration of a motor vehicle, or a renewal thereof, submitted by an applicant  
12 who holds a Massachusetts license the registrar shall not inquire about or create a record of an  
13 applicant’s citizenship or immigration status.

14 SECTION 2. Said section 8 of said chapter 90, as so appearing, is hereby further  
15 amended by striking out, in lines 278 to 279, inclusive, the words “or a Massachusetts license”.

16 SECTION 3. Said section 8 of said chapter 90, as so appearing, is hereby further  
17 amended by inserting after the word “a”, in line 287, the following words:- REAL ID-compliant.

18 SECTION 4. Said section 8 of said chapter 90, as so appearing, is hereby further  
19 amended by inserting after the word “temporary.”, in line 295, the following words:- If, at the  
20 expiration of the term of a REAL ID-compliant license, the licensee is unable to provide proof of  
21 lawful presence, the licensee shall remain eligible to apply for a Massachusetts license.

22 SECTION 5. Said section 8 of said chapter 90, as so appearing, is hereby further  
23 amended by adding the following 3 paragraphs:-

24 If an applicant for a license under this section or an applicant for a learner’s permit under  
25 section 8B does not provide proof of lawful presence in the United States, the applicant shall  
26 submit to the registrar and the registrar shall accept as proof of their identity and date of birth 2  
27 documents. One document shall be: (1) a valid unexpired foreign passport; or (2) a valid  
28 unexpired Consular Identification document. The other document shall be: (1) a valid unexpired  
29 driver’s license from any United States state or territory; (2) an original or certified copy of a  
30 birth certificate; (3) a valid unexpired foreign national identification card; (4) a valid unexpired  
31 foreign driver’s license; or (5) a marriage certificate or divorce decree issued by any state or  
32 territory of the United States. One document submitted as proof of an applicant’s identity  
33 pursuant to this paragraph shall include a photograph and one document submitted as proof of an  
34 applicant’s identity pursuant to this paragraph shall include a date of birth. Any documents  
35 submitted as proof of an applicant’s identity pursuant to this paragraph that are in any language

36 other than English shall be accompanied by a certified translation translating the document to  
37 English.

38 In addition to the powers and authority conferred upon the registrar pursuant to section 10  
39 with respect to standards of fitness for operation of a motor vehicle, the registrar may conduct a  
40 review of any documents issued by another country that are submitted by an applicant for a  
41 license under this section or an applicant for a learner's permit under section 8B who does not  
42 provide proof of lawful presence in the United States, including those who are ineligible for a  
43 social security number, to determine whether reasonable cause exists to exclude the document as  
44 proof of identity or date of birth.

45 Each applicant for a license under this section or learner's permit under section 8B shall  
46 attest, under the pains and penalties of perjury, that their license or right to operate has not been  
47 suspended or revoked in another state, country or jurisdiction.

48 SECTION 6. Section 8B of said chapter 90, as so appearing, is hereby amended by  
49 striking out, in lines 42 to 44, inclusive, the words “, except that no permit shall be issued to an  
50 applicant for a period of time longer than the registrar determines the applicant is legally  
51 authorized to remain in the United States”.

52 SECTION 7. (a) Notwithstanding any general or special law to the contrary, any  
53 information provided by or relating to an applicant for a Massachusetts license under section 8 of  
54 chapter 90 of the General Laws or a learner's permit under section 8B of said chapter 90,  
55 including failure to provide proof of lawful presence in the United States, including, but not  
56 limited to, personally identifying information and communications between said applicant and  
57 the registrar of motor vehicles pursuant to said section 8 or 8B of said chapter 90, shall neither be

58 a public record nor be disclosed by the registrar, except as authorized by regulations promulgated  
59 by the attorney general; provided, that information maintained by the motor vehicle insurance  
60 merit rating board pursuant to section 57A of chapter 6C of the General Laws may be  
61 disseminated for motor vehicle insurance purposes; and provided further, that any information  
62 disseminated for motor vehicle insurance purposes shall remain confidential and be used solely  
63 for the purpose of motor vehicle insurance.

64 (b) Notwithstanding any general or special law to the contrary, any information provided  
65 by or relating to the holder of a Massachusetts license issued under section 8 of said chapter 90  
66 or the holder of a learner's permit issued under section 8B of said chapter 90, including failure to  
67 provide proof of lawful presence in the United States, including, but not limited to, personally  
68 identifying information and communications between said holder and the registrar of motor  
69 vehicles pursuant to said section 8 or 8B of said chapter 90, shall neither be a public record nor  
70 be disclosed by the registrar, except as authorized by regulations promulgated by the attorney  
71 general; provided, that information maintained by the motor vehicle insurance merit rating board  
72 pursuant to said section 57A of said chapter 6C may be disseminated for motor vehicle insurance  
73 purposes; and provided further, that any information disseminated for motor vehicle insurance  
74 purposes shall remain confidential and be used solely for the purpose of motor vehicle insurance.

75 SECTION 8. Notwithstanding any general or special law to the contrary, the registrar of  
76 motor vehicles shall promulgate rules and regulations regarding proof of identity, date of birth  
77 and Massachusetts residency applicable to United States citizens and other persons who provide  
78 proof of lawful presence who elect to apply for a Massachusetts license pursuant to section 8 of  
79 chapter 90 of the General Laws.

80           SECTION 9. Notwithstanding any general or special law to the contrary, the registrar of  
81 motor vehicles, in consultation with the state secretary, shall establish procedures, and may  
82 promulgate regulations, to ensure that an applicant for a Massachusetts license pursuant to  
83 section 8 of chapter 90 of the General Laws or a learner’s permit pursuant to section 8B of said  
84 chapter 90 who does not provide proof of lawful presence shall not be automatically registered to  
85 vote pursuant to the National Voter Registration Act of 1993, as codified in 52 U.S.C. chapter  
86 205, or any general or special law.

87           SECTION 10. This act shall take effect on July 1, 2023.