



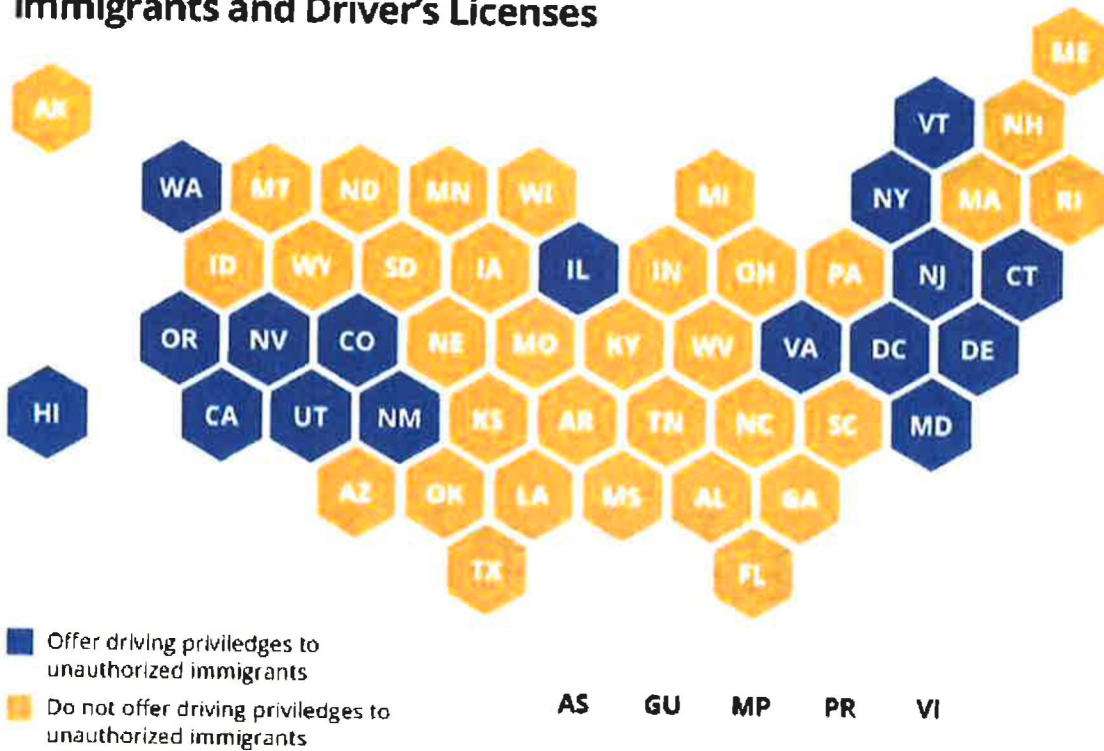
# States Offering Driver's Licenses to Immigrants

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States issue driver's licenses under the constitutional authority of the 10th Amendment. Congress enacted Real ID in 2005, creating standards for state-issued driver's licenses, including evidence of lawful status. This brief provides a summary of state legislation authorizing driver's licenses or authorization cards for unauthorized immigrants (not to be used for federal identification purposes).

Sixteen states and the District of Columbia have enacted laws to allow unauthorized immigrants to obtain driver's licenses. These states—California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Nevada, New Jersey, New Mexico, New York, Oregon, Utah, Vermont, Virginia and Washington—issue a license if an applicant provides certain documentation, such as a foreign birth certificate, foreign passport, or consular card and evidence of current residency in the state.

# Immigrants and Driver's Licenses



Source: NCSL, 2021

In 2020, Virginia became the most recent state to enact legislation extending driver's licenses and identification cards to those without proof of lawful presence (HB 1211).

## Enacted Legislation

State	Bill	Year Enacted	Summary	Effective Date
California	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.	Jan. 1, 2015
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.	Aug. 1, 2014
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	Jan. 1, 2015
Delaware	S 59	2015	This law creates the means for an undocumented immigrant to obtain a driving privilege card in Delaware. A driving privilege card or permit applicant must provide the state with satisfactory documentary evidence and that the applicant has filed a Delaware income tax return or resided in Delaware and been claimed as a dependent by an individual who has filed a state income tax return for the preceding two years. The card is not considered a valid form of identification due to the applicant's inability to prove legal presence in the U.S.	Dec. 27, 2015

<b>State</b>	<b>Bill</b>	<b>Year Enacted</b>	<b>Summary</b>	<b>Effective Date</b>
Hawaii	H 1007	2015	This law authorizes the issuance of driver's licenses to residents of Hawaii who cannot provide proof of authorized presence in the United States. Applicants must provide satisfactory proof of identity and Hawaii residency.	Jan. 1, 2016
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.	Nov. 28, 2013
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.	Jan. 1, 2014
New Jersey	A4743	2019	This law creates a standard driver's license or identification that does not require proof of lawful presence. The law prohibits the motor vehicle commission from disclosing information to any federal, state or local law enforcement agency for immigration purposes without the consent of the individual, a warrant, court order or subpoena, unless such restriction is contrary to federal law. The commission may not retain copies of documents submitted to establish eligibility for a license or identification card.	June 1, 2020
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.	2003
New York	S 1747	2019	This law authorizes the Department of Motor Vehicles to issue standard drivers' licenses and restricts what information can be retained and given out on those applying or holding licenses.	June 17, 2019

State	Bill	Year Enacted	Summary	Effective Date
New York	A3675	2019	This legislation allows for the issuance of a driver's license to undocumented residents and protects the data of those applying for such privilege from unwarranted release. The Department of Motor Vehicles may not disclose records to any agency that primarily enforces immigration law without a lawful court order or judicial warrant. The law requires that any person or entity that has access to information from the department to certify that the information will not be used for civil immigration purposes. Application forms for non-commercial drivers' licenses and learners' permits which do not meet federal standards for identification may not state: the documents an applicant used to prove age or identity; an applicant's ineligibility for a social security number where applicable; or an applicant's citizenship or immigration status. A non-commercial driver's license or learner's permit which does not meet federal standards for identification may not be used as evidence of a person's citizenship or immigration status, and may not be the basis for investigating, arresting, or detaining a person. Such licenses must be visually identical to federal-purpose driver's licenses except that such licenses may state "Not for Federal Purposes".	Dec. 14, 2019
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.	Jan. 1, 2014
Oregon	H2015	2019	This law eliminates the requirement that a person provide proof of legal presence before the Department of Transportation issues a noncommercial driver license, noncommercial driver permit or identification card. Acceptable documents to prove identity, date of birth or address when a person is applying for a driver license, driver permit or identification card that is not a Real ID, a commercial driver license, or a commercial learner driver permit, include: (a) An unexpired valid passport from the person's country of citizenship; (b) An unexpired valid consular identification document issued by the consulate of the person's country of citizenship; (c) A driver license, driver permit or identification card issued by Oregon that expired less than 13 years before the current application; or (d) A driver license, driver permit or identification card issued by another state that is unexpired or expired less than a year before the current application.	Aug. 9, 2019
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.	March 8, 2005
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.	Jan. 1, 2014

State	Bill	Year Enacted	Summary	Effective Date
Virginia	HB 1211/SB 34	2020	This law creates a driving privilege card or permit for applicants who do not meet the requirements for a driver's license or permit. The applicant must have reported income and deductions from Virginia sources, or been claimed as a dependent, on an individual income tax return filed in the preceding 12 months and may not be in violation of the insurance requirements. Applicants may not be required to present proof of legal presence in the United States. A driver privilege card or permit will expire on the applicant's second birthday following the date of issuance. The front of a driver privilege card or permit must be identical in appearance to a driver's license or permit that is not a REAL ID credential and the back of the card or permit must be identical in appearance to the restriction on the back of a limited-duration license, permit or special identification card.	Jan. 1, 2021
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.	July 25, 1993
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.	May 1, 2014

*Source: NCSL Immigrant Policy Project*

## Additional Resources

- NCSL Real ID
- NCSL LegisBrief: Immigration Reform and State Trends
- NCSL Immigration Policy Project
- NCSL Immigration Database

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