

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1755

Short Title: Antiterrorism Identity Security Act of 2002. (Public)

Sponsors: Representatives Shubert, Walend, Justus, Barnhart; Capps, Johnson, Davis, M. Crawford, and Blust.

Referred to: Rules, Calendar, and Operations of the House.

June 17, 2002

A BILL TO BE ENTITLED

1
2 AN ACT TO APPROPRIATE FUNDS TO PROVIDE PROTECTION AGAINST
3 IDENTITY THEFT AND VOTER FRAUD BY REQUIRING EITHER A VALID
4 SOCIAL SECURITY NUMBER OR A VALID ALIEN REGISTRATION
5 NUMBER FOR ISSUANCE OF A DRIVERS LICENSE; TO REQUIRE THE
6 DIVISION OF MOTOR VEHICLES TO DETERMINE THE VALIDITY OF ANY
7 SOCIAL SECURITY NUMBER OR VALID ALIEN REGISTRATION NUMBER
8 SUBMITTED ON AN APPLICATION FOR A DRIVERS LICENSE; TO
9 REQUIRE THAT DRIVERS LICENSES ISSUED BASED ON A VALID ALIEN
10 REGISTRATION SHALL EXPIRE WHEN THE VALID ALIEN
11 REGISTRATION EXPIRES; TO INVALIDATE ALL LICENSES ISSUED
12 WITHOUT A VALID SOCIAL SECURITY NUMBER OR VALID ALIEN
13 REGISTRATION NUMBER UNLESS THE LICENSE HOLDER PROVIDES A
14 VALID NUMBER UPON REQUEST; TO REQUIRE LICENSES BE MAILED
15 TO THE ADDRESS GIVEN BY THE APPLICANT; TO PROHIBIT THE USE OF
16 AN AFFIDAVIT TO ESTABLISH RESIDENCY EXCEPT IN THE CASE OF A
17 MINOR APPLICANT WHOSE PARENT OR GUARDIAN HAS ESTABLISHED
18 RESIDENCY BY MEANS OTHER THAN AN AFFIDAVIT; TO REQUIRE THE
19 STATE BOARD OF ELECTIONS TO REVIEW ALL VOTER REGISTRATIONS
20 MADE THROUGH THE DIVISION OF MOTOR VEHICLES IN ORDER TO
21 VERIFY THE VALIDITY OF THE CLAIM OF RESIDENCY, AND TO MAIL
22 ADDRESS CONFIRMATIONS OF RESIDENCY AND CITIZENSHIP TO, AT A
23 MINIMUM, ALL VOTERS REGISTERED THROUGH THE DIVISION OF
24 MOTOR VEHICLES WHO DID NOT FURNISH A VALID SOCIAL SECURITY
25 NUMBER, AND TO NOTIFY THE GENERAL ASSEMBLY OF THE RESULTS
26 OF THE REVIEW AND VERIFICATION; AND TO INCREASE THE PENALTY

1 FOR FURNISHING NONSWORN FALSE INFORMATION IN ORDER TO
2 OBTAIN STATE-ISSUED PICTURE IDENTIFICATION TO THE PENALTY
3 SET FOR MAKING A FALSE BOMB THREAT.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Subsection (b1) of G.S. 20-7 reads as rewritten:

6 "(b1) Application. – To obtain a drivers license from the Division, a person shall
7 complete an application form provided by the Division, present at least two forms of
8 identification approved by the Commissioner, be a resident of this State, and
9 demonstrate his or her physical and mental ability to drive safely a motor vehicle
10 included in the class of license for which the person has applied. At least one of the
11 forms of identification shall indicate the applicant's residence address. The Division
12 may copy the identification presented or hold it for a brief period of time to verify its
13 authenticity. To obtain an endorsement, a person shall demonstrate his or her physical
14 and mental ability to drive safely the type of motor vehicle for which the endorsement is
15 required.

16 The application form shall request all of the following information, and it shall
17 contain the disclosures concerning the request for an applicant's social security number
18 required by section 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

- 19 (1) The applicant's full name.
- 20 (2) The applicant's mailing address and residence address.
- 21 (3) A physical description of the applicant, including the applicant's sex,
22 height, eye color, and hair color.
- 23 (4) The applicant's date of birth.
- 24 (5) The applicant's social valid security ~~number.~~ number or the valid alien
25 registration number ('A' number) issued by the United States
26 Immigration and Naturalization Service.
- 27 (6) The applicant's signature.

28 ~~If an applicant does not have a valid social security number and is ineligible to~~
29 ~~obtain one, the applicant shall swear to or affirm that fact under penalty of perjury. In~~
30 ~~such case, the applicant may provide a valid Individual Taxpayer Identification Number~~
31 ~~issued by the Internal Revenue Service to that person.~~

32 The Division shall not issue an identification card, learners permit, or drivers license
33 to an applicant ~~who fails to provide either the applicant's valid social security number or~~
34 ~~the applicant's valid Individual Taxpayer Identification Number.~~ who fails to provide
35 proof that the applicant's presence in the United States is authorized under federal law as
36 required by subdivision (5) of this subsection. The Division shall verify the validity of
37 the numbers furnished by the applicant. Each year the Division shall submit to the
38 Governor and to the General Assembly a report detailing the numbers and types of
39 driver license applications approved and denied pursuant to this section."

40 **SECTION 2.** Subsection (b4) of G.S. 20-7 reads as rewritten:

41 "(b4) The Division rules adopted pursuant to subsection (b2) of this section shall
42 also provide that if ~~an~~ a minor applicant cannot produce any documentation specified in
43 subsection (b2) or (b3) of this section, ~~the applicant or, in the case of a minor applicant~~

1 a parent or guardian of that applicant may complete an affidavit on a form provided by
2 the Division and sworn to before an official of the Division, indicating the minor
3 applicant's current residence address. No parent or guardian who has obtained a drivers
4 license by affidavit may subsequently complete an affidavit for a minor applicant. The
5 affidavit shall contain the provisions of ~~G.S. 20-15(a) and G.S. 20-17(a)(5)~~
6 G.S. 20-15(a), G.S. 20-17(a)(5), G.S. 20-31, and shall indicate the civil and criminal
7 penalties for completing a false affidavit."

8 **SECTION 3.** G.S. 20-7(f) reads as rewritten:

9 (f) Expiration and Temporary License. – The first drivers license the Division
10 issues to a person expires on the person's fourth or subsequent birthday that occurs after
11 the license is issued and on which the individual's age is evenly divisible by five, unless
12 this subsection sets a different expiration date. A first drivers license ~~may~~ shall be
13 issued for a shorter duration ~~if the Division determines that a license of shorter duration~~
14 ~~should be issued when the applicant holds to expire upon the expiration date of a visa~~
15 valid alien registration of limited duration issued by the United States Department of
16 State, Immigration and Naturalization Service. The first drivers license the Division
17 issues to a person who is at least 17 years old but is less than 18 years old expires on the
18 person's twentieth birthday. The first drivers license the Division issues to a person who
19 is at least 62 years old expires on the person's birthday in the fifth year after the license
20 is issued, whether or not the person's age on that birthday is evenly divisible by five.

21 A drivers license that was issued by the Division and is renewed by the Division
22 expires five years after the expiration date of the license that is renewed unless the
23 Division determines that a license of shorter duration ~~should~~ shall be issued to expire on
24 the expiration date of a valid alien registration when the applicant holds a ~~visa~~ valid
25 alien registration of limited duration from the United States Department of State,
26 Immigration and Naturalization Service. A person may apply to the Division to renew a
27 license during the 180-day period before the license expires. ~~The Division may not~~
28 ~~accept an application for renewal made before the 180-day period begins.~~ Any license
29 issued to a noncitizen shall automatically expire when the applicant's presence is no
30 longer authorized under federal law. The expiration date on the license shall reflect the
31 expiration date of the applicant's authorized presence in the United States as verified by
32 the United States Immigration and Naturalization Service.

33 The Division may renew by mail a drivers license issued by the Division to a person
34 who meets any of the following descriptions:

- 35 (1) Is serving on active duty in the armed forces of the United States and
36 is stationed outside this State.
- 37 (2) Is a resident of this State and has been residing outside the State for at
38 least 30 continuous days. When renewing a license by mail, the
39 Division may waive the examination that would otherwise be required
40 for the renewal and may impose any conditions it finds advisable. A
41 license renewed by mail is a temporary license that expires 60 days
42 after the person to whom it is issued returns to this State.

1 The Division shall issue a temporary license valid for 10 days to the applicant and
2 shall mail the drivers license to the applicant, by first-class mail, at the address provided
3 by the applicant."

4 **SECTION 4.** G.S. 163-82.19 reads as rewritten:

5 **"§ 163-82.19. Voter registration at drivers license offices.**

6 The Division of Motor Vehicles shall, pursuant to the rules adopted by the State
7 Board of Elections, modify its forms so that any eligible person who applies for original
8 issuance, renewal or correction of a drivers license, or special identification card issued
9 under G.S. 20-37.7 may, on a part of the form, complete an application to register to
10 vote or to update his-registration if the voter has changed his-address or moved from one
11 precinct to another or from one county to another. The person taking the application
12 shall ask if the applicant is a citizen of the United States. If the applicant states that the
13 applicant is not a citizen of the United States, or declines to answer the question, the
14 person taking the application shall inform the applicant that it is a felony for a person
15 who is not a citizen of the United States to apply to register to vote. Any person who
16 willfully and knowingly and with fraudulent intent gives false information on the
17 application is guilty of a Class I felony. The application shall state in clear language the
18 penalty for violation of this section. The necessary forms shall be prescribed by the
19 State Board of Elections. The form must ask for the previous voter registration address
20 of the voter, if any. If a previous address is listed, and it is not in the county of residence
21 of the applicant, the appropriate county board of elections shall treat the application as
22 an authorization to cancel the previous registration and also process it as such under the
23 procedures of G.S. 163-82.9. If a previous address is listed and that address is in the
24 county where the voter applies to register, the application shall be processed as if it had
25 been submitted under G.S. 163-82.9.

26 Registration shall become effective as provided in G.S. 163-82.7. Applications to
27 register to vote accepted at a drivers license office under this section until the deadline
28 established in G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no
29 person who completes an application at that drivers license office shall be denied the
30 vote in that election for failure to apply earlier than that deadline.

31 All applications shall be forwarded by the Department of Transportation to the
32 appropriate board of elections not later than five business days after the date of
33 acceptance, according to rules which shall be promulgated by the State Board of
34 Elections.

35 The State Board of Elections shall review all voter registrations made through the
36 Division of Motor Vehicles after October 1, 1997, in order to verify the validity of the
37 claim of residency and citizenship and mail confirmations of residency and citizenship
38 to all voters registered through the Division of Motor Vehicles who did not furnish a
39 valid social security number. The State Board of Elections shall notify the General
40 Assembly of the results of the review and verification."

41 **SECTION 5.** G.S. 20-31 reads as rewritten:

42 **"§ 20-31. Making false affidavits ~~perjury.~~ perjury or furnishing false information**
43 **to obtain a drivers license or identification card.**

1 (a) Any person who shall make any false affidavit, or shall knowingly swear or
2 affirm falsely, to any matter or thing required by the terms of this Article to be sworn to
3 or affirmed shall be guilty of a Class I felony.

4 (b) Any person who shall furnish nonsworn false information to obtain a drivers
5 license or identification card issued by the Division shall be guilty of a Class I felony."

6 **SECTION 6.** The Division of Motor Vehicles shall, by October 1, 2002,
7 verify the social security numbers on all current drivers licenses issued by the Division.
8 The Division shall immediately invalidate all current drivers licenses not matching the
9 valid social security number assigned to the driver or where the driver does not have a
10 valid social security number. The Division may correct those records where the
11 mismatch is due to error rather than to fraud. The Division may issue or reinstate a
12 drivers license only if the driver provides a valid social security number or the number
13 of a valid alien registration issued by the United States Immigration and Naturalization
14 Service, and pays the applicable fee.

15 **SECTION 7.** The State Board of Elections shall review all voter
16 registrations processed through the Division of Motor Vehicles where there is no valid
17 social security number on the application or where the social security number does not
18 match the applicant based on the verification required by Section 3 of this act. Those
19 persons who used their drivers license as proof of residency shall be required to submit
20 other proof of residency or shall not be permitted to vote. This review shall be
21 conducted prior to the elections in November 2002.

22 **SECTION 8.** There is appropriated from the Highway Fund to the Division
23 of Motor Vehicles the sum of twenty-five thousand dollars (\$25,000) for the 2002-2003
24 fiscal year to implement the provisions of this act.

25 **SECTION 9.** This act becomes effective July 1, 2002.