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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**2005 Assembly Bill 69**

**Assembly Substitute  
Amendment 1 and Assembly  
Amendment 2 to Assembly  
Substitute Amendment 1**

*Memo published:* September 26, 2005

*Contact:* Anne Sappenfield, Senior Staff Attorney (267-9485)

Under *current law*, a person who wishes to receive an operator's, or driver's, license ("license") or an identification card from the Department of Transportation (DOT) must provide certain information to DOT, including the person's name, address, date of birth, and description of physical characteristics. A license or identification card that is issued by DOT must include a picture of the person, identifying information, the person's signature, and description of physical characteristics.

*Assembly Substitute Amendment 1* requires a person applying for a license or identification card from DOT to provide documentary proof that the individual is a U.S. citizen or documentary proof that the individual is legally present in the United States. If the individual is not a U.S. citizen, he or she must provide proof of: (1) his or her status as a legal permanent resident or conditional resident; (2) a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States; (3) a pending or approved application for asylum in the United States; (4) valid entry into the United States in refugee status; (5) a pending or approved application for temporary protected status in the United States; (6) approved deferred action status; or (7) a pending application for adjustment of status to legal permanent resident status or conditional resident status.

Under the substitute amendment, DOT may not provide a license or an identification card to a person who does not provide the required documentary proof of citizenship or legal presence in the United States. In addition, DOT must cancel a license if DOT is notified by a local, state, or federal government agency that the license holder is no longer a citizen of the United States, a legal permanent resident of the United States, or a conditional resident of the United States, or otherwise not legally present in the United States.

A license or identification card that is issued to a person who is not a U.S. citizen and who provides documentary proof of legal status expires on the date that the person's legal presence in the United States is no longer authorized. If the documentary proof does not state the date that the person's

legal presence is no longer authorized, the license or identification card expires when a license or identification card issued to a citizen would expire.

The substitute amendment provides that if a person is not a citizen of the United States, a license issued to the person must include on its face the date on which the person's legal presence in the United States expires.

*Assembly Amendment 2 to Assembly Substitute Amendment 1* provides that the legislation takes effect on the first day of the 13<sup>th</sup> month beginning after publication.

### **Legislative History**

Representative Pettis offered Assembly Substitute Amendment 1 on May 10, 2005. The Assembly Committee on Criminal Justice and Homeland Security recommended adoption of the substitute amendment on a vote of Ayes, 9; Noes, 2, and recommended passage of the bill, as amended, on a vote of Ayes, 8; Noes, 3, on May 18, 2005.

The Joint Committee on Finance offered Assembly Amendment 2 to Assembly Substitute Amendment 1 on September 21, 2005. The committee recommended adoption of the amendment on a vote of Ayes, 13; Noes, 2, on September 22, 2005. Also on that date, the committee recommended adoption of Assembly Substitute Amendment 1 on a vote of Ayes, 11; Noes, 4, and recommended passage of the bill, as amended, on a vote of Ayes, 11; Noes, 4.

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