



Legislative Fiscal Bureau

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September 21, 2005

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 69: Restrictions on Driver's Licenses and Identification Cards for Non-Citizens

Assembly Bill 69 was introduced on February 1, 2005, and referred to the Committee on Criminal Justice and Homeland Security. On May 18, 2005, that Committee recommended for passage Assembly Substitute Amendment 1 to AB 69 on a vote of 8 to 3. On May 19, the bill was referred to the Joint Committee on Finance.

BACKGROUND

Under current law, a person applying for an original driver's license or identification card must present proof of name and date of birth. The Department of Transportation accepts various forms of documentary proof of name and date of birth, including a birth certificate, a passport, or one of several federal documents related to immigration or temporary residency. A person applying for a driver's license or identification card is not required to show proof of legal residency in the United States.

SUMMARY OF SUBSTITUTE AMENDMENT

ASA 1 to AB 69 would require that the applications for a driver's license or identification card include documentary proof that the applicant is a citizen of the United States or documentary proof that the individual is legally present in the United States and would prohibit DOT from issuing a license or card to a person who does not provide such proof. If a license or card applicant is not a U.S. citizen, he or she would be required to provide documentary proof of one of the following: (a) status as a legal permanent resident or conditional resident; (b) valid unexpired

nonimmigrant visa or nonimmigrant visa status for entry into the United States; (c) pending or approved application for asylum in the United States; (d) valid entry in the United States in refugee status; (e) pending or approved application for temporary protected status in the United States; (f) approved deferred action status; or (g) pending application for adjustment of status to legal permanent resident status or conditional resident status.

The substitute amendment would require a license or card issued to a person who is not a United States citizen to expire on the date that the person's legal presence in the United States is no longer authorized and would require the Department to print this date on the license or card. If the person's documentary proof of legal presence does not state the date that the person's legal presence in the United States is no longer authorized, the following expiration date shall apply: (a) the date two years after the applicant's next birthday for a driver's license; or (b) the date four years after the applicant's next birthday for an identification card. The substitute amendment would require DOT to cancel a person's driver's license if the Department is notified by a local, state, or federal government agency that the person is no longer a citizen, a legal permanent resident, or a conditional resident of the United States, or otherwise not legally present in the country.

Under the substitute amendment, these provisions would first apply to applications for driver's licenses or identification cards submitted on the day after publication of the act.

FISCAL EFFECT

The Department has not prepared a fiscal estimate for Assembly Substitute Amendment 1 to AB 69, but indicates that costs associated with the substitute amendment would be similar, although not identical, to the costs included in the fiscal note for Assembly Bill 148. That bill, like ASA 1 to AB 69, would require non-citizen applicants for a driver's license or identification card to present one of various legal presence documents prior to receiving a license or card and would require DOT to base the expiration date of the license or card on the date that the applicant's legal presence expires. Unlike AB 148, however, the substitute amendment would also require the Department to indicate the date that the person's legal presence expires on the license or card.

The current system for determining the expiration date of driver's licenses and identification cards is based on the applicant's date of birth and is calculated using an eight-year cycle for licenses or a four-year cycle for identification cards. Since, under the substitute amendment, the expiration date for licenses and cards issued to non-citizens would not be based on a regular schedule and would not be based on the person's birth date (except in cases where the legal presence documentation does not include an expiration date), the Department indicates that the license and card issuance systems would have to be modified to reflect this difference. These changes also would affect other systems, such as the renewal notice system, requiring other modifications. In its fiscal estimate for AB 148, the Department estimated performing the data processing to make these modifications would take 554 programmer-days, at an estimated cost of \$470,900. In addition, the Department indicates that the cost to modify the driver's license issuance system to include an

expiration date for a non-citizen's legal presence would require additional data processing, estimated to cost \$40,000, raising the total, one-time data processing cost to \$510,900.

The ongoing costs associated with the substitute amendment are related to the time needed to obtain and review legal presence documentation and are identical to the ongoing costs associated with AB 148. The Department estimates that 9% of driver's license and identification card applicants would be required to provide evidence of legal presence, based on the percentage of current applicants who do not have social security numbers or who provide a non-verifiable number. On an annual basis, 9% of applicants would total 70,072 persons. Assuming that each case would require, on average, five minutes of time, it is estimated that the additional workload associated with the bill is equivalent to the work of 3.4 positions, at a cost of \$147,600.

The substitute amendment would not appropriate additional funds to the Division of Motor Vehicles to cover the increased costs identified by the Department. Therefore, these costs would have to be absorbed within the Division's current budget.

The Department indicates in its fiscal estimate on AB 148 that the computer system changes needed to establish the document verification procedure "would be impossible to make based on the current effective date in the draft." The estimates included in the fiscal note are based on a "delayed effective date of at least eighteen months for implementation." This implementation period assumes that the work would be done over a period of about 12 months, but would not be started until October of 2005. Prior to that date, it is assumed that the Department will be working on the implementation of federal law changes associated with commercial driver's licenses, and, therefore, would be unable to begin other driver's license system projects. Since the substitute amendment does not provide a delayed effective date, the Department would likely be out of compliance with the amendment's provisions for an initial period of time.

Prepared by: Jon Dyck