



2005 ASSEMBLY BILL 148

March 3, 2005 – Introduced by Representatives GUNDRUM, GARD, LOTHIAN, VUKMIR, GIELOW, STONE, KLEEFISCH, JENSEN, HAHN, STRACHOTA, HINES, LEMAHIEU, GUNDERSON, BALLWEG, BIES, F. LASEE, OTT, VOS, McCORMICK, AINSWORTH, HONADEL, MEYER, NISCHKE, VAN ROY, M. WILLIAMS, KESTELL, KREIBICH, SUDER, MOULTON, NERISON, ALBERS, VRAKAS, PRIDEMORE and JESKEWITZ, cosponsored by Senators COWLES, LAZICH, KANAVAS, LEIBHAM, REYNOLDS, A. LASEE, KEDZIE, OLSEN, ROESSLER, DARLING, LASSA and GROTHMAN. Referred to Committee on Criminal Justice and Homeland Security.

1 **AN ACT to amend** 343.50 (4), 343.50 (5) and 343.50 (6); and **to create** 343.06 (1)
2 (L), 343.14 (2) (er), 343.20 (1) (f) and 343.20 (1m) of the statutes; **relating to:**
3 driver's licenses and identification cards for aliens.

Analysis by the Legislative Reference Bureau

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

Under this bill, an applicant for an operator's license or identification card must present documentary proof that the person is either a United States citizen or legally present in the United States. The bill requires DOT to include on the person's operator's license or identification card the date on which the person's legal presence in the United States expires, and specifies that the person's license or identification card expires on that date. If the person is authorized to be in the United States for an unspecified period of time, the standard renewal periods for an operator's license or an identification card apply.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 343.06 (1) (L) of the statutes is created to read:

2 343.06 (1) (L) To any person who does not provide the documentary proof
3 described in s. 343.14 (2) (er).

4 **SECTION 2.** 343.14 (2) (er) of the statutes is created to read:

5 343.14 (2) (er) 1. Documentary proof that the individual is a citizen of the
6 United States or documentary proof that the individual is legally present in the
7 United States.

8 2. If the individual is not a citizen of the United States, he or she shall provide
9 documentary proof of his or her status as a legal permanent resident or conditional
10 resident, a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry
11 into the United States, a pending or approved application for asylum in the United
12 States, valid entry into the United States in refugee status, a pending or approved
13 application for temporary protected status in the United States, approved deferred
14 action status, or a pending application for adjustment of status to legal permanent
15 resident status or conditional resident status.

16 **SECTION 3.** 343.20 (1) (f) of the statutes is created to read:

17 343.20 (1) (f) The department shall cancel an operator's license if the
18 department is notified by a local, state, or federal government agency that the
19 operator is no longer a citizen of the United States, a legal permanent resident of the
20 United States, or a conditional resident of the United States, or otherwise not legally
21 present in the United States.

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1 **SECTION 4.** 343.20 (1m) of the statutes is created to read:

2 343.20 **(1m)** A license that is issued to a person who is not a United States
3 citizen and who provides documentary proof of legal status as provided under s.
4 343.14 (2) (er) shall expire on the date that the person's legal presence in the United
5 States is no longer authorized. If the documentary proof as provided under s. 343.14
6 (2) (er) does not state the date that the person's legal presence in the United States
7 is no longer authorized, sub. (1) shall apply.

8 **SECTION 5.** 343.50 (4) of the statutes is amended to read:

9 343.50 **(4)** APPLICATION. The application for an identification card shall include
10 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), and
11 (em), and (er), and such further information as the department may reasonably
12 require to enable it to determine whether the applicant is entitled by law to an
13 identification card. The department shall, as part of the application process, take a
14 photograph of the applicant to comply with sub. (3). No application may be processed
15 without the photograph being taken. Misrepresentations in violation of s. 343.14 (5)
16 are punishable as provided in s. 343.14 (9).

17 **SECTION 6.** 343.50 (5) of the statutes is amended to read:

18 343.50 **(5)** VALID PERIOD; FEES. The fee for an original card and for the
19 reinstatement of an identification card after cancellation under sub. (10) shall be \$9.
20 The card shall be valid for the succeeding period of 4 years from the applicant's next
21 birthday after the date of issuance, except that a card that is issued to a person who
22 is not a United States citizen and who provides documentary proof of legal status as
23 provided under s. 343.14 (2) (er) shall expire on the date that the person's legal
24 presence in the United States is no longer authorized. If the documentary proof as
25 provided under s. 343.14 (2) (er) does not state the date that the person's legal

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1 presence in the United States is no longer authorized, then the card shall be valid
2 for the succeeding period of 4 years from the applicant's next birthday after the date
3 of issuance.

4 **SECTION 7.** 343.50 (6) of the statutes is amended to read:

5 343.50 (6) RENEWAL. At least 30 days prior to the expiration of the card, the
6 department shall mail a renewal application to the last-known address of each
7 identification card holder. The department shall include with the application
8 information, as developed by all organ procurement organizations in cooperation
9 with the department, that promotes anatomical donations and which relates to the
10 anatomical donation opportunity available under s. 343.175. The fee for a renewal
11 identification card shall be \$9, which card shall be valid for 4 years, except that a card
12 that is issued to a person who is not a United States citizen and who provides
13 documentary proof of legal status as provided under s. 343.14 (2) (er) shall expire on
14 the date that the person's legal presence in the United States is no longer authorized.
15 If the documentary proof as provided under s. 343.14 (2) (er) does not state the date
16 that the person's legal presence in the United States is no longer authorized, then
17 the card shall be valid for 4 years.

18 **SECTION 8. Initial applicability.**

19 (1) This act first applies to applications that are made on the effective date of
20 this subsection.

21 (END)