



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

House Bill 5686 (Substitute H-2 as passed by the House)  
House Bill 5687 (Substitute H-2 as passed by the House)  
Sponsor: Representative Pamela Hornberger (H.B. 5686)  
Representative Beth Griffin (H.B. 5687)  
House Committee: Transportation and Infrastructure  
Senate Committee: Transportation

Date Completed: 5-9-18

### **CONTENT**

**House Bill 5686 (H-2) and House Bill 5687 (H-2) would amend Public Act 222 of 1972, which governs official personal identification cards, and the Michigan Vehicle Code, respectively, to prohibit the Secretary of State (SOS) from issuing an official State personal identification card, operator's license, or chauffeur's license to an applicant who was not a U.S. citizen for a term that exceeded the duration of his or her legal presence in the United States.**

Under the statutes, if an applicant for an official State personal identification card or an operator's license or chauffeur's license, as applicable, is not a citizen of the United States, he or she must provide, and the SOS must verify, documents demonstrating the applicant's legal presence in the United States.

The bills would prohibit the SOS from issuing an official State personal identification card or an operator's license or chauffeur's license, as applicable, to an applicant who was not a U.S. citizen for a term that exceeded the duration of his or her legal presence in the United States.

If an official State personal identification card or an operator's license or chauffeur's license were issued to such an individual who had temporary lawful status, the card or license would have to be issued in compliance with 6 CFR 37.21 or in compliance with the process established by the SOS to comply with 6 CFR 37.71.

(Under 6 CFR 37.21, states may issue a temporary or limited-term REAL ID driver license or identification card only to an individual who has temporary lawful status in the United States, and must comply with specific requirements before issuing such a license or card.)

Under 6 CFR 37.71, states that are determined to be compliant with the REAL ID Act, and choose to also issue driver licenses and identification cards that are not acceptable by Federal agencies for official purposes, must ensure that such licenses and cards meet certain criteria.)

As used in the bills, "temporary lawful status" would mean that term as defined in 6 CFR 37.3, which states that a person in temporary lawful status is a person who 1) has a valid nonimmigrant status in the United States, 2) has a pending application for asylum in the United States, 3) has a pending or approved application for temporary protected status in the United States, 4) has approved deferred action status, or 5) has a pending application for lawful permanent residence or conditional permanent resident status.

Each bill would take effect 90 days after its enactment.

MCL 28.291 & 28.292 (H.B. 5686)  
257.307 & 257.310 (H.B. 5687)

### **BACKGROUND**

The REAL ID Act of 2005 establishes minimum security standards for the issuance and production of driver licenses and state personal identification cards. The Act prohibits Federal agencies from accepting for certain purposes driver license and identification cards that do not meet the minimum standards. These purposes include, but are not limited to, gaining access to Federal facilities, boarding federally regulated commercial aircraft, and entering nuclear power plants.

Legislative Analyst: Drew Krogulecki

### **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.