REGULAR CALENDAR

February 7, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Transportation to which was referred HB 374-FN,

AN ACT relative to the application process for driver's licenses and the privacy of motor vehicle records. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Ted Gorski

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MAJORITY
COMMITTEE REPORT

Committee:	**Transportation**
Bill Number:	**HB 374-FN**
Title:	**relative to the application process for driver's licenses and the privacy of motor vehicle records.**
Date:	**February 7, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

Providing driver's licenses and ID cards to illegal aliens or to asylum applicants, rather than asylum recipients, is bad public policy and undermines the purposes and objectives of federal immigration law. Federal law clearly states under what circumstances a person may legally reside in the United States. An illegal alien, by definition does not possess lawful immigration status or lawful presence and is subject to immediate removal. Granting a driver's license or ID card to illegal aliens treats them as if they are lawfully present in the U.S. and facilitates further illegal conduct. Asylum applicants may have entered the country legally or illegally, but then make an application to the federal government claiming a "well-founded fear of persecution" in their home country. Driver's licenses and ID cards are useful to create an appearance of lawful presence and serves as the virtual passport to the nation, opening many doors that would otherwise be unavailable. In addition to giving an individual the ability to travel freely throughout the country, it is also used for countless other purposes like registering to vote and applying for government benefits, as well as for establishing bank and credit card accounts. Giving illegal aliens and asylum applicants driver's licenses or ID cards provides them with the major form of identification used by U.S. citizens. The bottom line is that granting illegal aliens driver's licenses aids and abets their efforts to live and work illegally in the United States. Finally, granting a driver's license and ID card to illegal aliens or asylum applicants accommodates and rewards those who violate our immigration laws and encourages others to follow the same path. States that grant driver's licenses and ID cards to illegal aliens give prospective immigrants little incentive to pursue legal paths to immigration when they can sidestep the process and gain the same benefits. For these reasons we recommend inexpedient to legislate on this bill.

Vote 11-9.

Rep. Ted Gorski
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Transportation

HB 374-FN, relative to the application process for driver's licenses and the privacy of motor vehicle records. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Ted Gorski for the **Majority** of Transportation. Providing driver's licenses and ID cards to illegal aliens or to asylum applicants, rather than asylum recipients, is bad public policy and undermines the purposes and objectives of federal immigration law. Federal law clearly states under what circumstances a person may legally reside in the United States. An illegal alien, by definition does not possess lawful immigration status or lawful presence and is subject to immediate removal. Granting a driver's license or ID card to illegal aliens treats them as if they are lawfully present in the U.S. and facilitates further illegal conduct. Asylum applicants may have entered the country legally or illegally, but then make an application to the federal government claiming a "well-founded fear of persecution" in their home country. Driver's licenses and ID cards are useful to create an appearance of lawful presence and serves as the virtual passport to the nation, opening many doors that would otherwise be unavailable. In addition to giving an individual the ability to travel freely throughout the country, it is also used for countless other purposes like registering to vote and applying for government benefits, as well as for establishing bank and credit card accounts. Giving illegal aliens and asylum applicants driver's licenses or ID cards provides them with the major form of identification used by U.S. citizens. The bottom line is that granting illegal aliens driver's licenses aids and abets their efforts to live and work illegally in the United States. Finally, granting a driver's license and ID card to illegal aliens or asylum applicants accommodates and rewards those who violate our immigration laws and encourages others to follow the same path. States that grant driver's licenses and ID cards to illegal aliens give prospective immigrants little incentive to pursue legal paths to immigration when they can sidestep the process and gain the same benefits. For these reasons we recommend inexpedient to legislate on this bill. **Vote 11-9.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

February 7, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Transportation to which was referred HB 374-FN,

AN ACT relative to the application process for driver's licenses and the privacy of motor vehicle records. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. George Sykes

FOR THE MINORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MINORITY
COMMITTEE REPORT

Committee:	**Transportation**
Bill Number:	**HB 374-FN**
Title:	**relative to the application process for driver's licenses and the privacy of motor vehicle records.**
Date:	**February 7, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**OUGHT TO PASS**

STATEMENT OF INTENT

The minority believes that testing those who might otherwise be able to drive from the more than 14,000 undocumented persons as to their ability to drive safely is of paramount importance. This is a public safety measure. Over 100 people signed in electronically in support, with only 2 opposed. We have heard in the past strong testimony from Police Chiefs in support of this bill. Support which recognizes that this bill would greatly assist their community policing efforts. The American Friends Service Committee, the ACLU, as well as Churches and Immigrant's Rights groups also supported the bill. Their support recognizes that the bill improves public safety and provides for expanded social and economic justice. Passage of the bill would allow many more people to register their automobiles and purchase insurance too. What the bill does not do is grant any further privileges beyond driving privileges. The reality is that it will only prove a person's identity, their residence, their age, and that they've passed a driving test. More than 20 other states and the District of Columbia have made provisions such as this. This bill will add to the efforts previously passed by this legislature to expand driving privileges to the people who live in the state, for example the homeless. Holders of this license will join the already existing more than 29,000 non-citizens who currently hold driving privileges in this state.

Rep. George Sykes
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Transportation

HB 374-FN, relative to the application process for driver's licenses and the privacy of motor vehicle records. **OUGHT TO PASS.**

Rep. George Sykes for the **Minority** of Transportation. The minority believes that testing those who might otherwise be able to drive from the more than 14,000 undocumented persons as to their ability to drive safely is of paramount importance. This is a public safety measure. Over 100 people signed in electronically in support, with only 2 opposed. We have heard in the past strong testimony from Police Chiefs in support of this bill. Support which recognizes that this bill would greatly assist their community policing efforts. The American Friends Service Committee, the ACLU, as well as Churches and Immigrant's Rights groups also supported the bill. Their support recognizes that the bill improves public safety and provides for expanded social and economic justice. Passage of the bill would allow many more people to register their automobiles and purchase insurance too. What the bill does not do is grant any further privileges beyond driving privileges. The reality is that it will only prove a person's identity, their residence, their age, and that they've passed a driving test. More than 20 other states and the District of Columbia have made provisions such as this. This bill will add to the efforts previously passed by this legislature to expand driving privileges to the people who live in the state, for example the homeless. Holders of this license will join the already existing more than 29,000 non-citizens who currently hold driving privileges in this state.

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 374-FN

BILL TITLE: relative to the application process for driver's licenses and the privacy of motor vehicle records.

DATE: February 7, 2023

LOB ROOM: 203

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Gorski Seconded by Rep. Hill Vote: 11-9

Respectfully submitted,

Rep Karel Crawford, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on Bill # 374-FN

BILL TITLE: ... relative to the application process for driver's licenses and the privacy of motor vehicle records

DATE: 2/7/23

LOB ROOM: 201-203

MOTION: (Please check one box)

☐ OTP ☒ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. Gorski Seconded by Rep. Hill Vote: 11-9

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: ____ **YES** ____ **NO**

Minority Report? X Yes ____ No If yes, author, Rep: Sykes Motion _____

Respectfully submitted: Karel Crawford

Rep. Karel Crawford, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/6/2023 12:39:16 PM
Roll Call Committee Registers Report

2023 SESSION

Transportation

Bill #: 374-FN Motion: ITL AM #: _____ Exec Session Date: 2/7/23

Members	YEAS	Nays	NV
Walsh, Thomas C. Chairman	✓		
Gorski, Ted Vice Chairman	✓		
Smith, Steven D.	✓		
Crawford, Karel A. Clerk	✓		
Hill, Gregory G.	✓		
Dumais, Russell	✓		
~~O'Hara, Travis J.~~ Ross Berry	✓		
Foote, Charles H Aiden Ankarberg	✓		
See, Alvin B	✓		
Sellers, John	✓		
Sykes, George E.		✓	
Rich, Cecilia		✓	
St. Clair, Charlie G.		✓	
Fox, Dru		✓	
Rombeau, Catherine		✓	
Veilleux, Daniel T.		✓	
Coker, Matthew	✓		
Jones, Philip M		✓	
~~Rich, Jeffrey~~ Rep. ~~Allen~~ Howland		✓	
Staub, Kathy		✓	
TOTAL VOTE:	11	9	

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON

BILL TITLE: 374-FN relative to the application process for driver's licenses and the privacy of motor vehicle records

DATE: 1/24/23

LOB ROOM: 201-203 **Time Public Hearing Called to Order: 9:10 am**

Time Adjourned: 9:40 am

<u>Committee Members</u>: Rep. Walsh, Gorski, Crawford, Smith, Hill, Dumais, O'Hara, Foote, See, Sellers, Sykes, C.Rich, St.Clair, Fox, Rombeau, Veilleux, Coker, Jones, J.Rich, Staub

<u>Bill Sponsors</u>: Sykes

TESTIMONY

- Use asterisk if written testimony and/or amendments are submitted.

Rep. Sykes – Bill sponsor
relative to the application process of driver's licenses and the privacy of motor vehicle records. The primary message first and foremost is about public safety. 17 states have passed similar bills; Conn. has noticed that many hit and run accidents have diminished cause of the licenses was the law changing.

Q: Rep. StClair – What kind of negative comments do you get about this bill?
A: they do not understand the bill or the concept of what it is doing. I try to make it clear of what I am trying to do.

***Maggie Fogarty – AFSC, NH Immigrant Rights Network – Supports**
Trying to promote immigration and let undocumented immigrants without social security do apply for a driver's license.

Eva Castille – Supports
The current rule deprives long time NH citizen who are immigrants to be able to drive, the state deprives them to drive. They already do drive without a license but wouldn't we want them to be safe and be trained correctly.

Q: Rep. Staub – Are people who are waiting to get processed able to get a license?
A: Some students can get their license.
Q: Rep. St. Clair is anyone from the DMV here to testify?
A: No one has signed up. All valid licenses from other state can drive here.

Neil Kirk – Opposed
Was the Conn statistics pre covid, during covid and after covid. We are encouraging people who have already broken the law.
Line 25 page 1 it makes since if this is just for public safety do we really want MS13 (gangs) getting a license. This bill involves and leat question about voting maybe should go to Election Committee.
Will this bill help NH become a Sanctuary State?
Line 29 page 2 – This bill will charge $150, no connection between the fee and the service on the form. Supreme Court says cost of the service plus 25% it will not cost the DMV 25% so it is illegal and it violates the privacy law that the State passed. We cannot require a charge for this information.
I believe it is bad public policy to pay to keep their privacy.

Q: Rep. St. Clair – Yu have a lot of reason you do not support the bill have you reached out to DMV?
A:I have not; it is the privacy issue I am concerned not the DMV or State police.

Respectfully submitted,

Rep. Karel Crawford, Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB374-FN Date: 1/24/23

Committee: Transportation

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Keri Haruza	38 Old Francestown Rd	~~(603)428-~~ 585 210 8389	self	✓	
(+ family)	Deering, NH				
Frank Knapack	18 Low Ave Concord	(603) 545-0433	ACLU of NH	✓	

House Remote Testify

Transportation Committee Testify List for Bill HB374 on 2023-01-24

Support: 109 Oppose: 2 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/18/2023 4:53 PM
Holstein, Susanne	Bedford, NH srholstein@comcast.net	A Member of the Public	Myself	Support	No	No	1/20/2023 2:56 PM
Blair, David	Harrisville, NH orionblair@gmail.com	A Member of the Public	Myself	Support	No	No	1/21/2023 3:17 AM
Baker, Deb	Concord, NH deborahba@yahoo.com	A Member of the Public	Myself	Support	No	No	1/21/2023 9:57 AM
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Support	No	No	1/21/2023 11:14 AM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	No	1/21/2023 11:17 AM
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/21/2023 11:31 AM
Rhoades, Charles	DOVER, NH chuckrhoades@comcast.net	A Member of the Public	Myself	Support	No	No	1/21/2023 12:11 PM
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Support	No	No	1/21/2023 1:20 PM
Till, Mary	Concord, NH maryforderry@yahoo.com	A Member of the Public	Myself	Support	No	No	1/21/2023 2:33 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No	1/21/2023 2:45 PM
QUISUMBING-KING, Cora	Dover, NH coraq@comcast.net	A Member of the Public	Myself	Support	No	No	1/21/2023 2:53 PM
Smith, Hayden	Hanover, NH hasmith1520@gmail.com	A Member of the Public	Myself	Support	No	No	1/21/2023 3:56 PM

Antonucci, Amy	Barrington, NH amyla226@gmail.com	A Member of the Public	Myself	Support	No	No	1/21/2023 5:55 PM
Istel, Claudia	Acworth, NH cistel79@gmail.com	A Member of the Public	Myself	Support	No	No	1/21/2023 10:06 PM
Kudlik, Cindy	Grafton, NH CindyKudlik@protonmail.com	An Elected Official	Myself	Oppose	No	No	1/22/2023 2:07 AM
Gordon, Carolyn	Hanover, NH csgordon@dartmouth.edu	A Member of the Public	Myself	Support	No	No	1/22/2023 8:53 AM
Widger, Barbara	Manchester, NH b.uuidger@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 11:27 AM
pugh, Barbara	amherst, NH barbara.pugh@comcast.net	A Member of the Public	Myself	Support	No	No	1/22/2023 11:30 AM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 5:30 PM
Swope, Roshan	Harrisville, NH roshanswope@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 6:06 PM
Brennan, Arthur	Weare, NH arete201314@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 6:23 PM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 6:27 PM
Keegan, John	Boscawen, NH peoresnada@tds.net	A Member of the Public	Myself	Support	No	No	1/22/2023 6:40 PM
Schenk, John	Rindge, NH dschenk3@juno.com	A Member of the Public	Myself	Support	No	No	1/22/2023 7:25 PM
bory, lee	nashua, NH leebory@juno.com	A Member of the Public	Myself	Support	No	No	1/22/2023 8:09 PM
Coon, Kate	Peterborough, NH kate2coon@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 8:14 PM
Howe, Jana	Merrimack, NH Janahowedy@comcast.net	A Member of the Public	Myself	Support	No	No	1/22/2023 8:30 PM
Feder, Marsha	Hollis, NH marshafeder@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 8:41 PM
Haruza, Keri	Deering, NH kharuza@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 9:23 PM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 10:08 PM

Pitt, Martha	Greenfield, NH mabelmaid1@verizon.net	A Member of the Public	Myself	Support	No	No	1/22/2023 11:48 PM
Field, Bryan	PETERBOROUGH, NH brysciguy@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 5:49 AM
Reed, Barbara	North Swanzey, NH BDReed74@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 6:46 AM
Kraft, Bonnieta	Keene, NH bonkraft@myfairpoint.net	A Member of the Public	Myself	Support	No	No	1/23/2023 6:58 AM
Field, Linda	Peterborough, NH lindafield9@yahoo.com	A Member of the Public	Myself	Support	No	No	1/23/2023 7:58 AM
Naylor, Claire	Peterborough, NH cnaylor714@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 8:00 AM
Spielman, Kathy Sue	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	No	1/23/2023 8:36 AM
Reed, Judith	Keene, NH jureed@keene.edu	A Member of the Public	Myself	Support	No	No	1/23/2023 8:42 AM
Gregg, Robin	Hancock, NH rgregg@pobox.com	A Member of the Public	Myself	Support	No	No	1/23/2023 8:51 AM
Schuch, Steve	Hancock, NH info@NightHeron.com	A Member of the Public	Myself	Support	No	No	1/23/2023 8:51 AM
Straiton, Marie	Pembroke, NH m.straiton@comcast.net	A Member of the Public	Myself	Support	No	No	1/23/2023 9:11 AM
Satterfield, Peter	Pembroke, NH psatterfield@comcast.net	A Member of the Public	Myself	Support	No	No	1/23/2023 9:19 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:25 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:40 AM
Garland, Ann	Lebanon, NH annhgarland@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:47 AM
Geary, Fiona	Atkinson, NH fionamaegeary@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 10:10 AM
Ford, Sue	Easton, NH sueford06@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 10:16 AM
Charles, Justin	Rindge, NH justin.m.charles@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 10:35 AM

Willing, Maura	Concord, NH Maura.Willing@Comcast.net	A Member of the Public	Myself	Support	No	No	1/23/2023 10:52 AM
Cote, Lois	Manchester, NH, NH lcote06@outlook.com	A Member of the Public	Myself	Support	No	No	1/23/2023 10:56 AM
Scott, Kathy	Harrisville, NH kathyinhville@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 11:22 AM
Blake, Beatrice	Westmoreland, NH beablake7@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 11:31 AM
Liberman, Sheryl	Merrimack, NH saml54@comcast.net	A Member of the Public	Myself	Support	No	No	1/23/2023 11:55 AM
Meyers, Mary	Hancock, NH maryenrica@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 12:10 PM
Weber, Jill	Mont Vernon, NH jill@frajilfarms.com	A Member of the Public	Myself	Support	No	No	1/23/2023 12:24 PM
Lindpaintner, Lyn	Concord, NH lynlin@bluewin.ch	A Member of the Public	Myself	Support	No	No	1/23/2023 12:26 PM
Zimmer, Julie	Peterborough, NH juliecorkzim@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 12:30 PM
Rettew, Ann	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 1:08 PM
Spencer, Louise	Concord, NH lpskentstreet@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 1:09 PM
Kindeke, Grace	Manchester, NH gkindeke@afsc.org	A Lobbyist	American Friends Service Committee	Support	No	No	1/23/2023 1:45 PM
Fogarty, Maggie	Dover, NH mfogarty@afsc.org	A Lobbyist	American Friends Service Committee - NH Program	Support	No	No	1/23/2023 1:47 PM
Ndayishimiye, Fisto	Concord, NH fistondayishimiye@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 1:53 PM
gavrin, virginia	marlborough, NH igavrin@ne.rr.com	A Member of the Public	Myself	Support	No	No	1/23/2023 2:23 PM
Benham, Linda	Greenland, NH benhamblab@outlook.com	A Member of the Public	Myself	Support	No	No	1/23/2023 2:36 PM
Smith, Jennifer	Pembroke, NH jaycmd7699@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 2:39 PM
Vallier Kaplan, Mary	Peterborough, NH marycvk@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 2:41 PM

Flood Page, Julia	Rindge, NH juliefloodpage@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 2:56 PM
Fuentes, Sebastian	Thornton, NH sebastian@radnh.org	A Lobbyist	Myself	Support	No	No	1/23/2023 3:00 PM
Burr, Emily	Canterbury, NH revemilyburr@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 3:34 PM
Chickering, F	Dover, NH fchickering1@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 4:24 PM
Bowles, Margaret	Lyme, NH mcb2885@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 4:37 PM
Nardino, Marie	Andover, NH mdnardino@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 4:49 PM
Phillips, Betsey	Bethlehem, NH bphill36@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 5:15 PM
King, Jordan	Milford, NH Jordan.king@outlook.com	A Member of the Public	Myself	Support	No	No	1/23/2023 6:28 PM
Phillips, Chuck	Bethlehem, NH chuckpnh@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 6:30 PM
Moccia, Lianne	LEBANON, NH lianne.moccia@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 6:55 PM
Steuerwald, Carissa	Portsmouth, NH LOGICALUNDERPANTS@GMAIL.COM	A Member of the Public	Myself	Support	No	No	1/23/2023 6:55 PM
Katusiime, Viola	Manchester, NH Violakat@granitestateorganizing.org	A Lobbyist	Granite State Organizing Project	Support	No	No	1/23/2023 6:57 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 7:51 PM
MacGregor, Leslie	Grantham, NH lsmacgregor@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 7:58 PM
Maggi, Rob	Keene, NH rob.maggi3@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 7:59 PM
Wellington, Christine	Derry, NH chriswellington10@comcast.net	A Member of the Public	Myself	Support	No	No	1/23/2023 8:09 PM
Nelson, Deborah	Hanover, NH dbaconnelson@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 8:12 PM
Campbell, Karolyn	Epsom, NH kkcampbell43@yahoo.com	A Member of the Public	Myself	Support	No	No	1/23/2023 8:16 PM

Black, William	Hanover, NH billblacknh@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 8:21 PM
Merlone, Lynn	Rindge, NH prulone@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 8:55 PM
Hennessey, Martha	Hanover, NH Msh4wt@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:13 PM
Heath, Ruth	Canterbury, NH ruthmheath@comcast.net	A Member of the Public	Myself	Support	No	No	1/23/2023 9:29 PM
MacLeod, Tyler	Dover, NH tyleramacleod@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:43 PM
Friedman, Gene Stodel	Rindge, NH gstodelfriedman@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 2:27 AM
Taylor, David	Plainfield, NH dstaylor342@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 6:37 AM
Fudge, Kim Marie	NORTH CONWAY, NH kimfudge20@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 7:37 AM
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 8:07 AM
Hayes, Randy	Canterbury, NH rcompostr@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 8:46 AM
Swope, Eric	Harrisville, NH ericswope02@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 8:49 AM
Holt, David	Somersworth, NH davholt@aol.com	A Member of the Public	Myself	Support	No	No	1/24/2023 9:26 AM
Kinney, Rev. Dr. Gail	Canaan, NH gailhrdi@aol.com	A Member of the Public	Myself	Support	No	No	1/24/2023 9:33 AM
Kraus, Carol	Peterborough, NH carolekraus@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 9:59 AM
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 10:08 AM
O'Donnell, Alex	Weare, NH arodonnell22@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 10:18 AM
freeman, lynn	meriden, NH lef285@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 10:19 AM
Demarest, Nicole	Keene, NH nickidemarest@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 10:22 AM

Hopkins, Jonathan	Concord, NH pastorjon8675@hotmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 10:55 AM
Corby, Suzanne	Manchester, NH Oas-corby@comcast.net	A Member of the Public	Myself	Support	No	No	1/24/2023 11:32 AM
Gregory-Davis, Rev. John	Meriden, NH john@meridenucc.org	A Member of the Public	Myself	Support	No	No	1/24/2023 11:46 AM
Smith, Maja	Canterbury, NH majahauck@aol.com	A Member of the Public	Myself	Support	No	No	1/24/2023 11:53 AM
Jakows, Linds	Dover, NH ljjakows@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 11:55 AM
Koch, Laurie	Concord, NH kochlj@aol.com	A Member of the Public	Myself	Support	No	No	1/24/2023 1:49 PM
Hampton, doris	Canterbury, NH dandmhamp38@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 2:50 PM
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 3:50 PM

January 18, 2023

Dear Committee Members:

My family and I moved to New Hampshire last September, primarily because of New Hampshire's wonderful people, and accessible lawmakers who spend time really thinking about the people they represent. I discovered the predecessor of HB374 last year, in trying to figure out whether there is any way to obtain a non-real ID driver's license in New Hampshire if *you have no SSN*. It seems to be rarer on the East Coast, but while I share this feature with predominantly the immigrants and refugees, I was born in Missouri.

My family was part of a small minority of people who do not get/use social security numbers because they religiously object to universal numerical identifiers. Some people are familiar with some version of this colloquially referred to as the mark of the Beast. For my family it was a broader understanding than that; it was what on one hand, Republicans see clearly in vaccine passports, and Democrats often see in facial recognition… both being correct in my opinion. The one truest statement in all our founding documents is this: "they are endowed by their Creator...". The reason governments and the powers that be should not craft "approved" criteria for humanity, for existence, is because it trangresses the sacred and holy definition of personhood that is truly endowed by the highest Power of all...thereby dangerously attempting to assume an authority only properly assumed by a deity. Social security numbers were, perhaps, the very earliest foray in the United States into dividing the person from the rights of personhood by means of "approved" identification. By redefining a person as one that is numbered, humanity was transposed into objectivity.

I am 36 years old. I have a birth certificate (although not everyone I have met has those, either.) I was born in Kansas City, MO. In my adulthood I obtained a letter from the SSA confirming that I do not have an SSN and never have had one. This letter was intially for tax purposes, but it also proved the final necessary component to getting my first and so far only driver's license, several years later. I had been turned away several times by SSA offices in attempting to obtain this letter, because of the very fact I had no photo ID. No doubt my children will likewise be denied a letter in their turn, for a similar cicular reason. The letter from the SSA was required by the DMV (in Missouri, actually the Department of Revenue) to obtain a driver's license; and a driver's license was required by the SSA for them to produce the requested letter. It was a ridiculous process, but like most things, no one ever thought about it. And like most things, it took long, slow years to change, and I got older still. For most of my life, and well into marriage, I did not drive.

I have never voted. Some soliloquize long on the "duty" of voting. As a homeschooling mother of four, and someone who ate very lean in college owing to not being able often to find a ride to the store, I can tell you, you can call driving a privilege all day long, and voting a right, or both whatever you like: you *need* to be able to drive to the store to pick up a few basic groceries. You *need* to be able to get to work (you need to be allowed to compete for whatever work you are capable of doing, in the first place.) You *need* to be able to take your child to the doctor or pick up a prescription. You don't *need* to vote… politicians need you to vote. Many people who go on and on about their vote, have never lived in this country without the ability to drive. A vote may be precious, but driving is in most places still essential to survival. I say all this, not to demean one, but to elevate the importance of the other. I will be happy to vote, if allowed, when I am secured of providing for my family's needs.

I don't have to, though, if voters and governent members are worried about it. Frankly, if I may digress a bit, I don't see the point of voting with "government-issued ID" anyhow. I do understand the problem

voters and legislators wish to fix; but ID is an objective certain administrative branches wish to achieve, and they throw it diligently as a solution at--terrorism, border failures, election integrity, tax law, driver's licenses, identity fraud, health care administration...whatever sticks. It is my belief that that is how they successfully implement so many of their objectives: they package them as solutions to whatever problems the legislators of whichever party is supposed to address... and repackage them, and repackage them. It has been a very effective strategy...for increasing the power of unelected administrative bodies and international standards, leaving serious problems unsolved while declaring them successes, and pitting "we the people" endlessly against each other. The problem with government issued ID as voting ID is pretty straightforward: when government chooses who gets to vote, they also thereby foreordain the outcome of the vote, and democratic republicanism will become a thing of history. While fraud is real, and mistakes are real, nothing destroys "free fair elections" like having government certify its voters, itself. Just as ordinary citizens serve as election judges, so likewise they should certify resident voters. And yes, sending a simple postcard to a given address, or driving out in a car and meeting a new neighbor, will always and everywhere be a system of greater integrity than government supervising itself.

New Hampshire law, so far as I can currently tell, does not address at all the issue of what I am to do if I have no SSN to present for a license (but am in fact an American citizen). I fall into the void of legal limbo here, I think. Quite apart from the SSN, I still don't understand what paragraph 5 of this bill means exactly...does this say you have to have photo ID to get the driver's license? And then later--an SSN to get an ID? So....you still have to have an SSN to get an ID and an ID to get a non-real ID driver's license? I am hoping I misunderstand what it says, and by all means, please correct me if I am mistaken. I don't want ID. I want a license to drive to the grocery store or the doctor when my husband is away for work three days at a time. And I want my children in a few years to be able to drive also.

I am nearly forty: I was a young teen when 9/11 happened, and while feeling the tragedy of the incident, I also knew quite certainly that my hopes of international travel and dreams for the future would not happen. I already knew because my parents participated in trying to fend off legislation funneling people into carrying national identifiers, principally based on SSNs, but also the growing movement to use biometrics as the same thing in a different color. The package that became the Patriot Act was floating around as a lobbyist white paper for years before 9/11, looking for a reason to get it through, and terrorism provided that opportunity--much like some funeral home directors who sell as much as they can to grieving spouses who cannot really think clearly yet despite well knowing how ill the bereaved can afford what they are selling. My teenage self already knew my future would at least in some part be a casualty of the advantage taken in that moment of grief-stricken Americans.

How *much* farther that would go than merely travel, I thankfully did not yet realize. I did not know that I would never be permitted to bank, drive, or own property (the Patriot Act provided that I may not be listed on the title for any home or piece of land, and it has been continually renewed nor ever amended in this respect: you have to have ID that meets federal standards, and the title company keeps a copy of it on file). I did not know that I would be harassed by old men cashiers at grocery stores over the purchase of vanilla extract "without ID"--true story! There is alcohol content, after all. I didn't know I would be denied library cards, hunting licenses, participation in GRE testing and therefore banned from entrance to graduate schools. I did not know in some states I and my siblings could be held by an officer as a mere passenger in a vehicle that had been pulled over, if I didn't have ID, that is, the SSN/biometric combo national identifier; in other states, simply for not furnishing that same ID to an officer if demanded while walking down a sidewalk on foot. Jobs would be scarce: any employer would have to continually endure being audited because of me.

Not to mention how scary the IRS would be, but not because I refused to pay taxes--I paid all I owed and more (as a fraction of income) than most people, being denied every personal exemption, refund or credit. But year after year, they would send letters, most of which were form letters which had nothing to do with me, but would unreasonably demand response. I would have to conduct my response by snail mail because they would refuse to talk to me on the phone without "the Number." And then, where they would say, "Submit any relevant evidence documenting thus-and such", they would subsequently "lose" it. Or the very worst year, after the birth of my second child, feeling some real perinatal lows, when they decided a copy of a previous return that I had submitted as "evidence" in the yearly letter was frivolous filing and threatened to jail me for up to five years and fine me some thousands of dollars--I don't remember the amount, it was the jail threat that sticks with me. I had no idea what "frivolous filing" they could be talking about, because I didn't frivolously file. They claimed it was dated three years earlier too; took them a while to notice this filing, yes? But the IRS does not explain itself, nor does it offer evidence of the things it references or accuses you of (like Mary Poppins).

I called some little office in Utah as directed per my letter. I had to call while my toddler and baby were napping, hoping to get through before someone started crying or fussing or needing fed. I sat on the phone for more than two hours (yes I know everyone has to go through this to call the IRS, but not everyone is in quite the same duress I was that day...albeit many immigrants and religious objectors to SSNs who are perfectly decent, above board people deal with many similar circumstances). The kids woke up. The wait went on. I was a nervous mess, physically shaking off and on. Thirty minutes before the office closed, an unpleasant man picked up the phone. Cranky no doubt, with a long and thankless job, nevertheless with great power to ruin other people's lives in his hands: power that individuals should not have over each other, power that they exercise wrongfully simply when they are tired or hungry or having a bad day, or because they are not adequately trained and do not know how to get past a field on a digital form on their computer when they have a case that does not meet the absolute most common circumstances.

I referred to the letter I had received: I could not tell him what the matter was, because I did not know what the matter was. The letter did not inform me. Nor did the man. He repeated that I had to give him an SSN; I replied, I don't have one, and he said "Then I can't help you." And hung up. I suppose the whole thing would have gone badly south, as I didn't have the courage to call again (or the opportunity! It is nearly impossible for an at-home mother to sit on hold for 2-5 hours and simultaneously care for small children, and hope when someone finally picks up the other end we can hear each other speak over children who are tired, hungry, bored and needing care) and I was terrified. God was merciful however, and when my husband was able to call next, he was blessed with a near-zero wait time and God granted that he spoke to a woman who, it seemed, could help us after all, without my having an SSN. They still had no idea in the tiny office what my letter was about exactly, but given what the woman did tell us and what we deduced ourselves from the dates being referred to in the letter I had received, someone must have taken a copy of a previous form that I had sent as requested evidence in my annual letter, and entered it into the system as a duplicate filing or a frivolous filing. As we were able to verify that we had paid both that filing year's taxes and the present one, the IRS lady very nicely put it all to rest. And I did not go to jail. But I do not think such circumstances should occur, nor that they have to. They are preventable. Government should always operate under the principle that would be safe guidance and fair guidance whether applied by one's mother or one's enemy. And it should certainly never operate with the capriciousness and the discretion left to unelected employees to play Pontius Pilate to whoever walks through the door on their bad day.

The interesting history of *why* people assume one must have a social security number, and if you say you don't that you must be lying, began because most Americans have one all their lives. They have been effectively tatooed with a number they cannot erase since birth and nobody even knows how it happens. There is no official application process anyone remembers and yet to this day, the SSA claims the numbers are "voluntary." In the state of New York, where my husband was in graduate school for physics, we were able to get birth certificates for our two children who were born in that state, without applying for an SSN, by not signing our birth certificate application. If the birth certificate is signed it is automatically an application for an SSN even though it is not stated so anywhere. Our midwife had delivered Amish babies, and she knew that was the deal the state of New York had for the Amish. So she helped us do the same.

The reason they came up with the Enumeration at Birth program in the 80s was about creating exactly this: people do not question what has been normalized since childhood, and people before that program began were much more frequently non-participatory. Even for those who question it later in life, while it may be "voluntary" to opt in, there is no option for opting out. So there you have it: the history of why Social Security numbers are erroneously thought to be citizen identifiers. One is marked at birth like cattle are branded, even while the federal and private parties involved (the SSA and the hospital systems), declare that it is a perfectly voluntary system, mainly for tax and welfare benefit accounting. In reality, though, in the United States we have birth citizenship--so by emphasizing things some individuals don't have, whether birth certificates or SSNs or other arbitrarily chosen "documentation", government administrative bodies haven't actually identified US citizens from non-citizens. They've just created a bunch of second class citizens and another legal pitfall for legally present noncitizens to become illegal. According to one IRS document (a memorandum from March 29, 2019 for the Office of Chief Counsel for the IRS entitled "Administration of the Child Tax Credit for Objectors to Social Security Numbers") Congress initiated the SSN as an identifier in the 90s as a mandate to the IRS to match one person to one job to one tax return. Not as ID, not for our safety, and not "because elections" or because borders. Taxes. Even so, some court cases have supported the federal government's right and privilege to do so, and thus the IRS argued in that document, while they may find room in the administrative rule (for now) to accept filings from religious objectors, they cannot give refunds, apply exemptions, or grant credits to non-SSN holders. (Elsewhere the Taxpayer Advocacy Office has made counter-arguments, also citing legal cases, and also pretty convincing. Nota bene, without the Taxpayer Advocacy Office there is no one else to turn to.)

Either way, that is a condensed history of using the SSN or lack thereof as a shibboleth test to partake in American society, citizen or not. Thus it also isn't really surprising when new shibboleths get added to the pile of requirements that are supposed to separate the chaff from the wheat. Biometrics. Vaccine status. Medical history. Mask wearing. Not mask wearing. Secret blacklists, shared between blocks of nations, inaccessible and unappealable by citizens. Anything and everything can become the new administrative definition of what is mandated to obtain societal participation, because of the simple and elegant reason that each freedom hinges on every other. "We are endowed by our Creator", *or* we have the messy alternative: we are negotiated with by the majority of society (the 51%) and the powers of government, over not inalienable rights, but rather mere privileges to be suspended.

All this coercion of so many people and theft of so many freedoms, sadly began as a way to unload a bad idea from a terrible business, Digimarc (reincarnated currently as Morphotrust), on Americans post-9/11, a company currently holding almost all state DMV contracts and many national ID contracts worldwide....I say national, though of course they are using an international set of standards, so it really is global ID.

DMVs don't usually mean "photo" anymore than the federal government means "photo" for passports. They will not offer you an analog photo option for any driver's license in any state I know of (in Missouri the legislature struggled with the department for years, trying to get them to respect the intent of the law, rewriting the law, etc. largely to no avail.) Whether you have a two-tier system with a supposed non-real ID license or not, DMVs have been schooled by their federal counterparts not to offer any photo alternative but the specific digital image by which they create biometric, scannable ID, and to meet numerous digital criteria established by and for Real ID. In a white paper my mother wrote seven years ago, she noted the way in which legislatures can be bypassed by departments. If the legislature demands that they not help create any federal database, the DMV tells the legislature, "we aren't." (I can email a copy of that white paper containing detailed information about the relationships between AAMVA, state DMV departments, and Morphotrust, as well as some evidence that departments are advised to evade and bypass state legislatures, to anyone interested.)

The "federal database" is not a single system but a multi-system which is interoperable and inter-searchable and widely accessible to a vast number of federal, state, and private entities, exactly like the state-level vaccine registries are. They all operate within parameters created for similarity and heavily advocated by the AAMVA, and are mostly administered by the same international company, Morpho-trust. To any ordinary sensible person this is exactly what they mean when they say, "federal database." Nevertheless the DMVs can with precision of language assure state legislatures that they are not participating in a federal database.

Your face is your barcode, and with your SSN, has become a series of algorithmic numbers on which the federal government has staked its claim. And because of my faith, this ground is not up for negotiation. In Christianity, we believe that our identity comes from God: that we are made in His sacred image. "Render unto Caesar what is Caesar's, and unto God what is God's," Jesus remarked, holding a coin with Casear's face stamped on it. The image of government is stamped on your money: it is a claim to ownership, or at the very least a claim to having a stake in it. The image of God however, is stamped on the likeness of every individual human being....Jesus clearly pointed out by His example, what is definitely NOT Caesar's, and not okay to give to Caesar. Governments do not bodily own the images nor the identities of beautiful individual people who are expressions of the Creator, nor can they. "My life is hid with Christ in God," the scriptures say. My identity has one source, and only one: He who created me in His own likeness, who shaped my totally unique features before I was born. Images are fundamentally bound up in acts of worship: one of the Ten Commandments concerned not making any graven image in any likeness. This commandment is the source of the Amish objection to photography and image-taking altogether. In a world whose soul is possessed by images, that makes some degree of sense to me.

Already many modern philosophers (my favorite being Jeffrey Tucker, but they come in every stripe) are realizing that civil freedom is almost completely expired, and there is evidence of "imperial administrative states" everywhere you look, continually probing the weaknesses of elected governments and adding to their labyrinthine webs of interlocking surveillance and power over our daily lives. One has only to look to the invasion of Ukraine to see how deeply this can harm a people group. The Russian invaders have only to access their ID system (a digital ID system not particularly different from ours, small surprise) and at their fingertips they get immediate access to very detailed information about who people are locally; who dissenters are likely to be; who they are related to and where they live; what their health records are; what their daily habits are, etc. Family members become easy prey in an attempt to demoralize would-be dissenters, so I have read. Everyone's "pressure points" are recorded; a bad actor has less trouble than ever before in the history of the world accessing and abusing personal vulnerabilities on a population wide scale.

With all this one wonders what the point is of using a social security number or even biometric facial recognition at all. It is fundumentally insecure, a combination lock where the combination has been copied all over the place from hotel lobbies to smartphones to fast food smart pay, and all with a code that can be *neither removed nor replaced* - exactly opposite of what any rational security expert would advise. By universal usage the thing becomes utterly useless, suggesting that the more complete the implementation, the more the problems will escalate.

I have written quite candidly about my experience with governments, state and federal, in my lifetime, and the quasi-private business entities that they use to squeeze compliance out of freedom lovers and conscientious objectors. But that said, New Hampshire has some wonderful lawmakers; they think about a lot of things lawmakers elsewhere aren't thinking about, like whether having an SSN should be essential to a basic driver's license. It is one of the remarkable features of the state that make it special, to give consideration to individuals and to deal with people in good faith, even in challenging times...which is a major reason we moved here. We certainly did not improve our finances; my husband long-distance commutes to his old job; we came because of the quality of the state and the people who live here. (And it was 100% worth it.)

Whether trying to get library cards or a basic backyard fire permit or being allowed to hunt for food or have a job, the Hydra of government-owned and issued criteria of identity has many heads today. Almost all of them curvet back around to having a social security number, together with biometrics, as a defacto national ID—the baseline for getting a driver's license, the other national ID. I would argue that using government issued ID for any of these things is not in the interests of individual human beings, as we aee neither machines nor widgets, and incapable of the cohesion and similarity required to be tagged, scanned, and labelled like store goods or beef cows.

But whether the committee agrees with that statement in its entirety or not, I hope they will consider what the fundamental right/privilege of having a driver's license means to everyone affected by this little change in the driving legislation. One simple bill, worth much more than $150 to me and my family, and I have no doubt worth as much to all others who for any reason fall under the same long administrative shadow.

Thank you sincerely for your time.

Keriann Haruza
38 Old Francestown Rd
Deering, NH 03244

NEW HAMPSHIRE IMMIGRANT RIGHTS NETWORK

VIA ELECTRONIC DELIVERY

January 23, 2023

Rep. Thomas Walsh, Chair
House Transportation Committee
NH House of Representatives
Legislative Office Building
33 N. State St.
Concord, NH 03301

Re: Support for HB 374 – An act relative to the application process for drivers' licenses and relative to privacy of motor vehicle records.

Dear Representative Walsh and Members of the House Transportation Committee:

We submit this written testimony in support of HB 374 and urge members of this committee to vote "ought to pass" on this legislation. If passed, this bill would allow people without Social Security numbers, including undocumented New Hampshire residents, to apply for and obtain drivers licenses while also enhancing privacy protections.

Undocumented Migrants Contribute to the Quality of Life and Economy in New Hampshire

The Status of Being Undocumented is Not a Criminal Offense

Although it is a federal misdemeanor to enter the United States without permission, the majority of people unlawfully present are those who entered with a visa and remained after the visa expired. [1] Being unlawfully present is a federal civil law violation. Almost all immigration law violations are processed through civil administrative law procedures and are not or cannot be prosecuted in criminal court.

Undocumented Migrants Contribute to New Hampshire's Economy and Quality of Life

The population of undocumented persons in New Hampshire is small - estimated to be 14,660. [2] These Granite State residents are contributing members of the State's economy and quality of life and are our friends, neighbors and loved ones. To quote conservative writer George Will: "They are not going home. They are home." [3]

[1] "Over the past decade, the annual number of visa overstays is estimated to have exceeded illegal border crossings by a ratio of about 2 to 1." Joseph Chamie, *Recent Actions on Illegal Immigration Will Only Lead to Gridlock,* The Hill (Nov. 3, 2022) at https://thehill.com/opinion/immigration/3718063-recent-actions-on-illegal-immigration-will-only-lead-to-more-gridlock/

[2] New American Economy (2021) available at https://www.newamericaneconomy.org/locations/new-hampshire/

[3] George Will, *Immigration is the Sincerest Form of Flattery. This Nation Needs a Good Hit of It.* Washington Post

The latest data shows that undocumented immigrants in New Hampshire paid $77M in taxes ($18.6M in state and local taxes and $58.4M in federal taxes). [4] Their family members may be U.S. citizens or otherwise lawfully present immigrants. Many are essential workers who helped this State get through the pandemic - often at great cost to themselves and their families.

A recent national poll indicated that a large majority of Americans (70%) support a path to citizenship for undocumented migrants.[5] But even if a currently undocumented migrant has a path to lawful presence, it may take months and sometimes years before they will be able to obtain an official status. It is time for the State of New Hampshire to join the growing number of jurisdictions that have concluded that licensing undocumented drivers would be beneficial to their states and to **all** of their residents. [6]

Benefits

New Hampshire Can Improve the Quality of Life By Issuing Licenses to All Otherwise Qualified Residents

Immigration reform has stalled in Congress for decades with no end in sight.[7] This means that there will continue to be no pathway to citizenship for many people who have spent most of their lives here.[8] While the states cannot regulate immigration – a matter of Federal jurisdiction – they can and should take every step possible to ensure the well-being of all of their residents, including undocumented migrants. Issuing drivers licenses to otherwise eligible undocumented migrants is one important step to be taken that will benefit not only the individual and their family but also increase safety and improve the quality of life within the state.

Increased Public Safety

The federal government does not prohibit states from issuing drivers licenses to undocumented residents. Creating an opportunity for undocumented residents to obtain drivers licenses will increase public safety – a bedrock obligation of the State to its people. Because undocumented New Hampshire residents are not currently eligible for drivers licenses, there is no systematic

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(Jan. 22, ,2021) at https://www.washingtonpost.com/opinions/immigration-is-the-sincerest-form-of-flattery-this-country-needs-a-good-hit-of-it/2021/01/21/eb554434-5c2a-11eb-8bcf-3877871c819d_story.html

[4] New American Economy, *supra,* fn. 2.

[5] Rafael Bernal, *Poll: 70 Percent of Americans Support a Path to Citizenship,* The Hill (Feb. 16, 2022) at https://thehill.com/latino/594625-poll-70-percent-of-americans-support-a-path-to-citizenship/

[6] Nineteen jurisdictions (17 states, the District of Columbia and Puerto Rico) have enacted laws permitting undocumented residents to obtain drivers licenses. *See* the National Immigration Law Center's chart (Sept. 2022), at https://www.nilc.org/wp-content/uploads/2022/10/drivers-license-access-table-2022-09-30.pdf.

[7] *Congress Has Failed for More than 2 Decades to Reform Immigration – Here's A Timeline,* NBC News (Jan. 7, 2023) at https://www.nbcnews.com/news/latino/immigration-reform-failure-congress-timeline-rcna64467.

[8] *For example,* young people who came as small children, often known as Dreamers, currently have no pathway to citizenship. Because of Congress' inability to enact a Dream Act, the Obama Administration created the Deferred Action for Childhood Arrivals (DACA) program that allowed eligible young people to apply for a temporary lawful status that could be renewed every 2 years. Currently, the DACA program has been barred from processing any new applicants as the legality of the DACA program is litigated in the federal courts thereby affecting thousands of young people.

operator oversight of this group of people. Permitting undocumented New Hampshire residents to be licensed would benefit not only those individuals and their families but also the State.

- Ability to positively identify the driver: many law enforcement entities throughout the country believe that licensing undocumented drivers would allow more effective enforcement of motor vehicle laws.[9]
- More effective regulation of motor vehicle operators: licensing undocumented persons would result in increased oversight of motor vehicle operators in the state and a more accurate database of resident New Hampshire drivers.
- Safer operation of motor vehicles: several studies support the contention that licensed drivers are safer drivers due to the licensing requirements (driver education programs for youth and practical and written tests). [10]
- Increase in insured drivers: it is anticipated that providing undocumented residents with the opportunity to obtain a drivers license would also increase the number of vehicles insured in the state and a subsequent potential reduction in auto insurance rates. [11]

Removal of an Unnecessary Burden on Law Enforcement and the Criminal Justice System

Undocumented residents of New Hampshire are not criminals due to their status but they may become criminals because of their ineligibility to drive legally in our state. Like all migrants, undocumented immigrants come to the United States for a better life. In order to work and take care of their families, many undocumented persons take the risk of driving without licenses. Operating without a license in New Hampshire is a criminal offense [12] and it unnecessarily penalizes otherwise law-abiding undocumented persons. It also unnecessarily burdens law enforcement and the entire criminal justice system by criminalizing conduct that should be legalized by expanding licensing eligibility.

Improvement in Community Life

Decreased fear of law enforcement in immigrant communities

[9] *For example,* there was widespread support amongst the Massachusetts law enforcement community in Massachusetts for passage of legislation permitting undocumented residents to apply for licenses. "'This law has to do with improving road safety for everyone by allowing immigrants without status to follow our state motor vehicle laws, just like they do in Connecticut, New York, Vermont and 13 other states," said Roy Vasque, president of the Massachusetts Major City Chiefs of Police Association." *Police Back Immigrant Drivers Question,* Bay State Banner (Oct. 19, 2022) at https://www.baystatebanner.com/2022/10/19/police-back-immigrant-drivers-license-question/

[10] *See, License Undocumented Drivers? It's Safer Than Having Unvetted, Unlicensed Drivers,"* Virginia Mercury (Feb. 3, 2021) available at https://www.virginiamercury.com/2020/02/03/license-undocumented-immigrants-its-safer-than-having-unvetted-unlicensed-drivers/.

[11] *See, Top 6 Reasons to Expand Access to Drivers Licenses,* New Jersey Policy Perspective (Dec. 2019) at https://www.njpp.org/wp-content/uploads/2019/12/NJPP-Top-6-Reasons-to-Support-Drivers-License-Expasion-Dec-2019-5.pdf. *See also, Why Denying Driver's Licenses to Undocumented Immigrants Harms Public Safety and Makes Our Communities Less Secure,* National Immigration Law Center Fact Sheet, January 2008, available at https://www.nilc.org/wp-content/uploads/2015/11/FactSheet_DLs_2008-01-16.pdf.

[12] NH RSA 263:1.

Due to the fact that many encounters with New Hampshire law enforcement officers occur within the context of motor vehicle activities, many immigrants (including those legally present) fear and avoid contact with the police. Avoidance may lead to unreported crimes, failure to appear as a witness or defendant in court and other consequences that affect an individual's and a community's quality of life. Immigrants' fear of law enforcement and the criminal justice system has increased in recent years. A report by the ACLU documents this trend: "[F]ear of deportation is stopping immigrants from reporting crimes and participating in court proceedings." [13]

Increased well-being of immigrant families while immigrant petitions are pending

Inability to obtain a drivers license affects many people who may already be on a path to lawful presence. Right now, the DMV ties immigrant eligibility for a drivers license to possession of a federal work authorization permit and a social security number.[14] Many immigrants with pending applications are not eligible for either. The wait times for processing most applications are long and people who have applied for a lawful status may have to wait months and sometimes years (depending on the types of petitions they have filed) for adjudication of their applications. The ability to drive lawfully during this waiting period would decrease stress and fear for families with loved ones awaiting approval of a lawful status.

Increased community safety

Permitting undocumented people to obtain drivers licenses would improve community safety by reducing fear of police encounters, encourage community engagement with the police and reduce unreported crime as well as increase the sense of well-being and safety within immigrant communities.[15]

Concerns

Fear of Voter Fraud

Possession of a drivers license does not constitute proof of eligibility to vote. Many categories of noncitizen New Hampshire residents are already able to obtain drivers licenses but they do not have the right to vote. Eligibility to register to vote in New Hampshire is based on U.S. citizenship, age and domicile. [16] Noncitizens whether lawfully present or not, are not permitted to vote. There are serious criminal and immigration law consequences for any noncitizen who engages in voter fraud. Despite spurious complaints about noncitizen voting, exhaustive studies

[13] ACLU Press Release dated May 3, 2018, available at https://www.aclu.org/press-releases/new-aclu-report-shows-fear-deportation-deterring-immigrants-reporting-crimes. *See* report "Freezing Out Justice" at https://www.aclu.org/issues/immigrants-rights/ice-and-border-patrol-abuses/freezing-out-justice?redirect=issues/ice-courthouse.

[14] It should be noted that RSA 263:39-a permits spouses and children of work visas and student visas to obtain a drivers license without a social security number. REAL ID also permits certain classes of noncitizens with pending immigration applications to obtain REAL ID-level drivers licenses without a social security number (6 C.F.R. § 37.11(e)(3)).

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have repeatedly established that there is a very low incidence of actual voter fraud of any kind and commission by noncitizens constitutes a tiny proportion of this extremely small number. [17]

Use of Fraudulent Identity Documents

Prevention of identity fraud is a high priority for the DMV. The DMV has trained personnel who are familiar with identity documents including those from foreign countries. It is anticipated that the documents produced by any non-citizen would be of the same type of which DMV personnel are familiar notwithstanding the applicant's immigration status. The DMV also participates in the U.S. Department of Homeland Security's SAVE program which can rapidly verify citizenship and immigration status.

Possession of a Drivers License Does Not Confer Eligibility for State or Federal Benefits

Each state and federal benefits program is regulated and sets out the eligibility standards in their regulations. A license to operate a motor vehicle does not confer eligibility for any government benefit.

Allowing undocumented immigrants to obtain a drivers license is a compelling and common-sense solution that will increase public safety and improve the lives of New Hampshire families.

Sincerely,

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New Hampshire Alliance for Immigrants and Refugees
Manchester, New Hampshire
ecastillo@miracoalition.org

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Concord, New Hampshire
mfogarty@afsc.org

Sebastian Fuentes
Rights & Democracy Project | www.radnh.org
Concord, New Hampshire
sebastian@radnh.org

Viola Katusiime
Granite State Organizing Project
Manchester, New Hampshire
Violakat@granitestateorganizing.org

[17] *See* Christopher Famighetti, *et al., Noncitizen Voting: The Missing Millions,* Brennan Center for Justice, May 5, 2017, available at https://www.brennancenter.org/publication/noncitizen-voting-missing-millions.

Frank Knaack
American Civil Liberties Union of New Hampshire
Concord, New Hampshire
fknaack@aclu-nh.org

Christine Wellington
Derry, New Hampshire
chriswellington10@comcast.net

Charles Rhoades

Immigrants are important members of our state and its workforce.

Cindy Kudlik

Roshan Swope

The information on a driver's license should remain private.

Bonnieta Kraft

I am expressing my support for Bill 374 to expand access to access to drivers licenses for undocumented immigrants. I am a member of the Keene Immigration and Refugee Partnership in Keene, NH. I have worked within my local community to support and welcome immigrants. I am a first generation American on my mother's side following her immigration to the USA from Germany/Poland in 1952. I want New Hampshire to provide support to immigrants.

Judith Reed

In a state with little public transportation, a car and a license to drive it is a basic necessity, along with food, clothing, shelter and health care.

Robin Gregg

I support this bill and any other laws and policies that make it easier for newcomers to NH to obtain drivers' licenses. How can they get to work and back without driving?! Please support this bill. Thanks.

Steve Schuch

It can take a long time for immigrants to receive all their official documentation. But during this time, they need to be able to work, and drive, in order to support their families. It is far better to provide a safe, legal pathway to getting a Driver's License, after passing all the required driving tests, than it is to force someone to drive without a license. This is why I urge passage of this common sense bill.

Justin Charles

I am a volunteer with housing and refugee programs. It is vitally important that we make it easier for them to thrive in the Granite State.

Maura Willing

The current administration’s ideas regarding what should be taught and not taught is unacceptable. As a former teacher I firmly believe ideas, even unpleasant ones, are the basis of a strong society.

Kathy Scott

I support this bill to expand access to driver licenses for undocumented immigrants. This bill will enable independant access to legal services, social services and work opportunities! Independent access is a crucial step for Asylum seekers to gain lawful participation in our Democracy!

Beatrice Blake

I have worked with asylum seekers since 2017. Many businesses are looking for workers, but if workers have no transportation, they cannot offer their services. In rural New Hampshire, with very little public transportation, the fact that they can't get licenses slows everything down. Local law enforcement is in favor of this bill because it is much safer for everyone if immigrants can go through legal channels. Please support this bill. The immigrants are not trying to take jobs away from people. They're ready and willing to do what needs to be done, and they are escaping impossible conditions in their home countries. As long as Congress fails to enact immigration legislation, state and local governments can make a real difference, both for our local economies and to help immigrants who really need the support.

drivers licensing is a safety measure for all. Applying should not be complicated by red tape and personal information should not be further shared with any entity for other purposes.

virginia gavrin

I strongly support the passage of this bill. It is important to know who is driving on our roads and that they are in full compliance with our driving rules. Privacy is necessary to ensure that drivers feel they can come forward and submit to a driver's test without life-altering consequences.

F Chickering

I understand this bill was developed by Drive Safe NH and that at least 17 other states including all of New England except NH and Maine allow undocumented immigrants to get driver

Lianne Moccia

I oppose this bill.

Gene Stodel Friedman

I strongly support allowing drivers licenses forundocumented immigrants, as a matter of public safety and humane treatment of others.

Eric Swope

I support this bill

Nicole Demarest

I know NH residents who would not only benefit from having a driver’s license but their employer’s would benefit from them having reliable transportation to work. Although people don’t want to admit it, restaurants in this state could never function without workers who lack ss#s

NEW HAMPSHIRE IMMIGRANT RIGHTS NETWORK

VIA ELECTRONIC DELIVERY

January 23, 2023

Rep. Thomas Walsh, Chair
House Transportation Committee
NH House of Representatives
Legislative Office Building
33 N. State St.
Concord, NH 03301

Re: Support for HB 374 – An act relative to the application process for drivers' licenses and relative to privacy of motor vehicle records.

Dear Representative Walsh and Members of the House Transportation Committee:

We submit this written testimony in support of HB 374 and urge members of this committee to vote "ought to pass" on this legislation. If passed, this bill would allow people without Social Security numbers, including undocumented New Hampshire residents, to apply for and obtain drivers licenses while also enhancing privacy protections.

Undocumented Migrants Contribute to the Quality of Life and Economy in New Hampshire

The Status of Being Undocumented is Not a Criminal Offense

Although it is a federal misdemeanor to enter the United States without permission, the majority of people unlawfully present are those who entered with a visa and remained after the visa expired. [1] Being unlawfully present is a federal civil law violation. Almost all immigration law violations are processed through civil administrative law procedures and are not or cannot be prosecuted in criminal court.

Undocumented Migrants Contribute to New Hampshire's Economy and Quality of Life

The population of undocumented persons in New Hampshire is small - estimated to be 14,660. [2] These Granite State residents are contributing members of the State's economy and quality of life and are our friends, neighbors and loved ones. To quote conservative writer George Will: "They are not going home. They are home." [3]

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[1] "Over the past decade, the annual number of visa overstays is estimated to have exceeded illegal border crossings by a ratio of about 2 to 1." Joseph Chamie, *Recent Actions on Illegal Immigration Will Only Lead to Gridlock,* The Hill (Nov. 3, 2022) at https://thehill.com/opinion/immigration/3718063-recent-actions-on-illegal-immigration-will-only-lead-to-more-gridlock/

[2] New American Economy (2021) available at https://www.newamericaneconomy.org/locations/new-hampshire/

[3] George Will, *Immigration is the Sincerest Form of Flattery. This Nation Needs a Good Hit of It.* Washington Post

The latest data shows that undocumented immigrants in New Hampshire paid $77M in taxes ($18.6M in state and local taxes and $58.4M in federal taxes). [4] Their family members may be U.S. citizens or otherwise lawfully present immigrants. Many are essential workers who helped this State get through the pandemic - often at great cost to themselves and their families.

A recent national poll indicated that a large majority of Americans (70%) support a path to citizenship for undocumented migrants.[5] But even if a currently undocumented migrant has a path to lawful presence, it may take months and sometimes years before they will be able to obtain an official status. It is time for the State of New Hampshire to join the growing number of jurisdictions that have concluded that licensing undocumented drivers would be beneficial to their states and to **all** of their residents. [6]

Benefits

New Hampshire Can Improve the Quality of Life By Issuing Licenses to All Otherwise Qualified Residents

Immigration reform has stalled in Congress for decades with no end in sight.[7] This means that there will continue to be no pathway to citizenship for many people who have spent most of their lives here.[8] While the states cannot regulate immigration – a matter of Federal jurisdiction – they can and should take every step possible to ensure the well-being of all of their residents, including undocumented migrants. Issuing drivers licenses to otherwise eligible undocumented migrants is one important step to be taken that will benefit not only the individual and their family but also increase safety and improve the quality of life within the state.

Increased Public Safety

The federal government does not prohibit states from issuing drivers licenses to undocumented residents. Creating an opportunity for undocumented residents to obtain drivers licenses will increase public safety – a bedrock obligation of the State to its people. Because undocumented New Hampshire residents are not currently eligible for drivers licenses, there is no systematic

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(Jan. 22, ,2021) at https://www.washingtonpost.com/opinions/immigration-is-the-sincerest-form-of-flattery-this-country-needs-a-good-hit-of-it/2021/01/21/eb554434-5c2a-11eb-8bcf-3877871c819d_story.html

[4] New American Economy, *supra,* fn. 2.

[5] Rafael Bernal, *Poll: 70 Percent of Americans Support a Path to Citizenship,* The Hill (Feb. 16, 2022) at https://thehill.com/latino/594625-poll-70-percent-of-americans-support-a-path-to-citizenship/

[6] Nineteen jurisdictions (17 states, the District of Columbia and Puerto Rico) have enacted laws permitting undocumented residents to obtain drivers licenses. *See* the National Immigration Law Center's chart (Sept. 2022), at https://www.nilc.org/wp-content/uploads/2022/10/drivers-license-access-table-2022-09-30.pdf.

[7] *Congress Has Failed for More than 2 Decades to Reform Immigration – Here's A Timeline,* NBC News (Jan. 7, 2023) at https://www.nbcnews.com/news/latino/immigration-reform-failure-congress-timeline-rcna64467.

[8] *For example,* young people who came as small children, often known as Dreamers, currently have no pathway to citizenship. Because of Congress' inability to enact a Dream Act, the Obama Administration created the Deferred Action for Childhood Arrivals (DACA) program that allowed eligible young people to apply for a temporary lawful status that could be renewed every 2 years. Currently, the DACA program has been barred from processing any new applicants as the legality of the DACA program is litigated in the federal courts thereby affecting thousands of young people.

operator oversight of this group of people. Permitting undocumented New Hampshire residents to be licensed would benefit not only those individuals and their families but also the State.

- Ability to positively identify the driver: many law enforcement entities throughout the country believe that licensing undocumented drivers would allow more effective enforcement of motor vehicle laws.[9]
- More effective regulation of motor vehicle operators: licensing undocumented persons would result in increased oversight of motor vehicle operators in the state and a more accurate database of resident New Hampshire drivers.
- Safer operation of motor vehicles: several studies support the contention that licensed drivers are safer drivers due to the licensing requirements (driver education programs for youth and practical and written tests). [10]
- Increase in insured drivers: it is anticipated that providing undocumented residents with the opportunity to obtain a drivers license would also increase the number of vehicles insured in the state and a subsequent potential reduction in auto insurance rates. [11]

Removal of an Unnecessary Burden on Law Enforcement and the Criminal Justice System

Undocumented residents of New Hampshire are not criminals due to their status but they may become criminals because of their ineligibility to drive legally in our state. Like all migrants, undocumented immigrants come to the United States for a better life. In order to work and take care of their families, many undocumented persons take the risk of driving without licenses. Operating without a license in New Hampshire is a criminal offense [12] and it unnecessarily penalizes otherwise law-abiding undocumented persons. It also unnecessarily burdens law enforcement and the entire criminal justice system by criminalizing conduct that should be legalized by expanding licensing eligibility.

Improvement in Community Life

Decreased fear of law enforcement in immigrant communities

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American Civil Liberties Union of New Hampshire
Concord, New Hampshire
fknaack@aclu-nh.org

Christine Wellington
Derry, New Hampshire
chriswellington10@comcast.net

HB 374-FN - AS INTRODUCED

2023 SESSION

23-0327
02/08

HOUSE BILL ***374-FN***

AN ACT relative to the application process for driver's licenses and the privacy of motor vehicle records.

SPONSORS: Rep. Sykes, Graf. 14; Rep. Telerski, Hills. 11; Rep. Almy, Graf. 17; Rep. Veilleux, Hills. 34; Sen. Watters, Dist 4

COMMITTEE: Transportation

ANALYSIS

This bill prohibits the department of transportation from disclosing any record that identifies whether the type of driver's license that a person holds meets federal standards for identification, prohibits motor vehicle information form being shared with federal immigration enforcement agencies conducting civil investigations, and amends which information is required for driver's license applications.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0327
02/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the application process for driver's licenses and the privacy of motor vehicle records.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraph; Motor Vehicle Information. Amend RSA 260:14 by inserting after paragraph III-d the following new paragraph:

III-e.(a) The department shall not disclose or otherwise make accessible any portion of any record that identifies whether the type of driver's license that a person holds meets federal standards for identification except:

(1) To the person who is the subject of such record.

(2) Where expressly required pursuant to chapter 303 of part A of subtitle VI of Title 49 of the United States Code.

(3) Unless necessary to comply with a lawful court order, judicial warrant signed by a judge appointed pursuant to Article III of the United States Constitution, or a valid subpoena for individual records.

(b) For the purposes of this paragraph, whenever a lawful court order, judicial warrant, or subpoena for individual records is presented to the department, only those records, documents, or information specifically sought by such court order, warrant, or subpoena may be disclosed.

(c) Except as required for the department to issue or renew a driver's license that meets federal standards for identification, the department, and any agent or employee of the department, shall not disclose or make accessible in any manner records or information that it maintains, to any agency that primarily enforces immigration law or to any employee or agent of such agency, unless the department is presented with a lawful court order or judicial warrant signed by a judge appointed pursuant to Article III of the United States Constitution. Upon receiving a request for such records or information from an agency that primarily enforces immigration law, the department shall, no later than 3 days after such request, notify the individual about whom such information was requested, informing such individual of the request and the identity of the agency that made such request.

(d) The department shall require any person or entity that receives or has access to records or information from the department to certify to the department, before such receipt or access, that the person or entity shall not use the records or information for civil immigration purposes or disclose the records or information to any agency that primarily enforces immigration law, unless such disclosure is pursuant to a cooperative arrangement between city, state, or federal agencies in which the arrangement does not enforce immigration law and which disclosure is limited

to the specific records or information being sought pursuant to such arrangement. In addition to any records required to be kept pursuant to 18 U.S.C. section 2721(c), any person or entity certifying pursuant to this paragraph shall keep for a period of 5 years records of all uses and identifying each person or entity that primarily enforces immigration law that received department records or information from such certifying person or entity. Such records shall be maintained in a manner and form prescribed by the department and shall be available for inspection by the department.

(e) For purposes of this subdivision, the term "agency that primarily enforces immigration law" shall include, but not be limited to, United States Immigration and Customs Enforcement and United States Customs and Border Protection, and any successor agencies having similar duties. Any person who discloses records or information in any manner not authorized by this section shall be guilty of a class B misdemeanor. In addition, any person who discloses information in any manner not authorized by this section shall be civilly liable in an amount equal to the sum of actual damages sustained by the victim as a result of the disclosure or $5,000, whichever is greater.

2 Motor Vehicle Records and Certifications. Amend RSA 260:14, III to read as follows:

III. [~~Motor~~] ***Except as limited by this section, motor*** vehicle records may be made available pursuant to a court order or in response to a request from a state, a political subdivision of a state, the federal government ***for purposes of criminal investigations***, or a law enforcement agency for use in official business***, provided that motor vehicle records shall not be provided to federal immigration enforcement agencies conducting civil investigations***. The request shall be on a case-by-case basis. Any records received pursuant to this paragraph shall not be further transferred or otherwise made available to any other person or listed entity not authorized under this paragraph. Any records received pursuant to this paragraph shall not be used, further transferred, or otherwise made available to any other person or entity for the purpose of creating or enhancing a federal identification database.

3 Effect of Driver's License. Amend RSA 263:1-c to read as follows:

263:1-c Effect of License. A driver's license issued by the state of New Hampshire is a written declaration to the holder of permission to operate a motor vehicle ***and for identification purpose except as provided for federal purposes under the Real ID Act of 2005, Public Law No: 109-13. No person, business, government, or any entity within the boundaries of the United States shall refuse the presentation of a Real ID or non-Real ID driver's license as a form of identification. However, a driver's license shall not be considered prima facie evidence of a person's citizenship, immigration status, or eligibility to work or vote in the state***.

4 Application for Driver's License. Amend RSA 263:5, II to read as follows:

II. The application for a driver's license shall include the following:

(a) The full name and current mailing and residential address of the license applicant;

(b) A physical description of the applicant, including gender indicated by checking either "M" for "male," "F" for female," or "X" for "other," height, weight, eye and hair color;

(c) Date of birth;

(d) Applicant's social security number, [~~if required pursuant to RSA 263:40-a~~] ***except as provided pursuant to RSA 263:40-a***;

(e) Applicant's signature;

(f) Certifications of driver qualification;

(g) Any other information required by the department.

5 New Paragraph; Issuance of Driver's License; Required Identification. Amend RSA 263:5-d by inserting after paragraph III the following new paragraph:

IV. In lieu of producing the aforementioned documentation, a resident may prove his or her identity and age to the department by producing reliable official documentation of 2 forms of identification, including at least one containing a photograph of the resident, with a certified English translation if the original is in a language other than English, such as:

(a) An original or certified copy of the resident's birth certificate.

(b) The resident's federal individual tax identification number.

(c) A photo identification issued by the armed forces or the New Hampshire national guard.

(d) The resident's selective service card.

(e) The resident's current or expired Alien Permanent Resident Card, Employment Authorization Card, Conditional Resident Card, or any other document issued by the United States Citizenship and Immigration Service.

(f) A completed and approved form I-246 Stay of Removal Application, issued by the United States Immigration and Customs Enforcement.

(g) A consular report of birth abroad issued by the United States Department of State, Form FS-240, DS-1350, or FS-545.

(h) A valid passport issued by the resident's country of citizenship.

(i) An identification card issued by the consulate or embassy of the resident's country of citizenship.

6 Social Security Numbers; Application Form Options. Amend RSA 263:40-a, I(a) to read as follows:

I.(a) An applicant for a driver's license who has not previously been licensed to drive a motor vehicle in this state shall provide his or her social security number in the application ***if applying for a Real ID driver's license. If the applicant is applying for a non-Real ID driver's license, he or she may opt out of providing a social security number on the application. If the applicant does not provide his or her social security number, the applicant must pay the fee set forth in RSA 263:42, I(d)***. The applicant shall be given the opportunity to determine

whether to have his or her social security number retained in the records of the department of safety. The application form shall include a box to check off if the applicant does not wish to have his or her social security number retained in the records of the department.

7 New Paragraph; Driver's License Fees. Amend RSA 263:42 by inserting after paragraph I-c the following new paragraph:

I-d. For a driver's license application without social security number, $150.

8 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0327
12/30/22

HB 374-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the application process for driver's licenses and the privacy of motor vehicle records.

FISCAL IMPACT: [X] State [ ] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	$0	$100,000	Indeterminable Increase	Indeterminable Increase
Funding Source:	[ ] General [ ] Education [X] Highway [X] Other - Restricted - Cost of Collection/Administration*			

*Pursuant to Part II, article 6-a of the New Hampshire constitution, any costs associated with the collection and administration of Highway Funds by the Department of Safety shall be deducted by the Department before such funds are credited to the Highway Fund as unrestricted revenue.

LOCAL:

Revenue	$0	$0	Indeterminable Increase	Indeterminable Increase
Expenditures	$0	$0	$0	$0

METHODOLOGY:

This bill prohibits the Department of Safety from disclosing any records that identifies whether the type of driver's license that a person holds meets federal standards for identification and allows an individual to opt out of providing a social security number if applying for a non-Real ID compliant driver's license. The Department states the charge for an application without a social security number would be $150 (a social security card would still be required for a non-Real ID compliant identification card). The Department states this will generate additional state revenue, beginning in FY 2024, and pursuant to RSA 235:23 ("Apportionment A"), 12 percent of road toll and motor vehicle fees collected are distributed to municipalities in the year following collection, increasing state expenditures and local revenue beginning in FY 2025. The Department also states it will incur one-time costs of $100,000 in FY 2024 to make necessary programming changes to reflect this bill.

AGENCIES CONTACTED:

Department of Safety