

## Kasper, Jim M.

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**From:** Richard, Dustin  
**Sent:** Thursday, January 26, 2023 2:38 PM  
**To:** Kasper, Jim M.  
**Subject:** FW: House Bill 1318

Good afternoon, Representative Kasper –

This email provides a section-by-section explanation of House Bill 1398.

The bill was designed to encourage non-citizens, who become naturalized, to update their identification for the purposes of voting.

Non-driver photo identification cards and driver’s licenses issued to non-citizens must be designed in a manner to **clearly make the card distinguishable** from a similar card issued to a citizen of the United States.

### **SECTION 1:**

Section 1 of the bill amends Subsection 2 of Section 39-06-03.1.

Section 39-06-03.1 addresses when the Director of the Department of Transportation shall issue nondriver photo identification cards.

Subsection 2 of Section 39-06-03.1 specifically addresses when the director shall issue nondriver photo identification cards to **non-citizens**.

Section 1 of the bill adds the following requirements:

1. Upon the issuance of a nondriver photo identification card under Subsection 2, requires the Department of Transportation to provide a written notice that indicates within 45 days following naturalization, the naturalized individual shall contact the Department of Transportation to update the individual's citizenship status.
2. Requires the Department of Transportation to replace the card, as long as the fee is paid. Current law uses “may” instead of “shall.”
3. Requires the Department of Transportation to send the notice regarding naturalization to all individuals who obtained a nondriver photo identification card under Subsection 2, before August 1, 2023. August 1, 2023 is the effective date of this Act.

### **SECTION 2:**

Section 2 of this bill is mechanically identical to Section 1. However, Section 2 addresses driver’s licenses, not nondriver photo identification cards.

Section 2 of the bill amends Subsection 5 of Section 39-06-14. Section 39-06-14 addresses when the Director of the Department of Transportation shall issue operator’s licenses commonly referred to as driver’s licenses.

Subsection 5 of section 39-06-14 specifically addresses when the director shall issue an operator’s license to **non-citizens**.

Section 2 of the bill adds the following requirements:

1. Upon the issuance of an operator's license under Subsection 5, requires the Department of Transportation to provide a written notice that indicates within 45 days following naturalization, the naturalized individual shall contact the Department of Transportation to update the individual's citizenship status.
2. Requires the Department of Transportation to replace the license, as long as the fee is paid. Current law uses "may" instead of "shall."
3. Requires the Department of Transportation to send the notice regarding naturalization to all individuals who obtained a license under Subsection 5, before August 1, 2023. August 1, 2023 is the effective date of this Act.

**SECTION 3:**

Section 3 of the bill amends Subsection 1 of Section 39-06-14.2.

Section 39-06-14.2 addresses the database that holds the information for citizens who possess a nondriver photo identification card or driver's license.

Section 3 of the bill requires the Department of Transportation to update the database when a naturalized citizen obtains a "citizen" nondriver photo identification card or operator's license under Chapter 39-06.

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I hope this information was helpful. If you have any questions, please do not hesitate to contact me.

Thank you.

**Dustin A. Richard**

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