

H33 and North Carolina Driver's License Requirements

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Categories : [Motor Vehicles](#), [Uncategorized](#)

Tagged as : [driver's license](#), [immigration](#), [NCDMV](#)

Date : April 7, 2011

The State House of Representatives recently passed [H 33](#), “An Act to Provide that Certain Consulate or Embassy Documents May Not be Used to Determine a Person’s Identification or Residence for Governmental and Law Enforcement Purposes.” Among the provisions the bill would amend if enacted is [G.S. 20-7\(b4\)](#), which currently permits the North Carolina Division of Motor Vehicles (NCDMV) to rely on consular documents as proof of North Carolina residency. Other types of documents that may be used to establish residency for driver’s license purposes include pay stubs, utility bills, bank statements, and rental contracts.

While H 33, which was supported by the Americans for Legal Immigration PAC, has stirred debate (see news reports [here](#), [here](#) and [here](#)) on the issue of unauthorized immigration, it does not purport to regulate immigration—the exclusive province of the federal government. Moreover, the law does not affect the ability of unauthorized immigrants to obtain a North Carolina driver’s license. Unauthorized immigrants already are ineligible to obtain a North Carolina driver’s license, learner’s permit, or identification card. This has been the case since enactment of the 2006 Technical Corrections Act, which eliminated a provision that allowed NCDMV to issue driver’s licenses to people providing an Individual Taxpayer Identification Number in lieu of a Social Security number. The requirement that a license applicant provide a valid social security number removed people without such numbers, and consequently all unauthorized immigrants, from the people eligible to obtain a North Carolina driver’s license. The only statutory exception to this requirement applies to an applicant who presents valid documentation issued by, or under the authority of, the U.S. government that proves his or her legal presence of limited duration in the United States. NCDMV must issue to an applicant who presents such valid documentation and meets other licensing requirements a license of limited duration, which may not expire later than the expiration of the authorization of the applicant’s legal presence in the United States. See G.S. 20-7(f)(3).

Thus, G.S. 20-7 groups driver’s license applicants into two categories: those who have Social Security numbers and those who have legal presence of limited duration. There is, however, a third group of applicants who may not be included in either statutory category. Some immigrants, such as lawful permanent residents and refugees, are authorized to remain in the United States permanently, but may not have Social Security cards. Although NCDMV includes documents establishing permanent legal status among the documents that it accepts as establishing a legal presence of *limited* duration, immigrants with permanent legal status are issued driver’s licenses of regular duration (that is, five or eight years, depending on the applicant’s age) regardless of whether such persons also have a Social Security Card.

If you’d like to know more about North Carolina’s Driver’s License requirements and their history and relation to the REAL ID act of 2005, you can read more [here](#).