



**MEMORANDUM**

**TO:** City Council Members

**FROM:** John Hamilton, Mayor  
Mary Catherine Carmichael, Deputy Mayor  
Josefa Madrigal, Chief of Staff, Office of the Mayor

**DATE:** May 30, 2023

**SUBJECT:** Resolution 23-09 in support of a Driver Card for Undocumented Indiana Residents

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**Summary:**

Resolution 23-09 expresses the Council's support for the Indiana General Assembly to pass legislation creating a Driver Card for Indiana residents who cannot provide proof of lawful status in the United States. In passing Resolution 23-09, the Common Council would join a growing number of elected officials and organizations in Indiana and throughout the country who have formally endorsed the concept of a credential that authorizes undocumented residents to drive lawfully after meeting certain prerequisites such as obtaining required training, certification, and insurance. Such a Driver Card could not be used to vote, access federal services, or claim citizenship or lawful residence.

A Driver Card will help our undocumented community members safely engage in basic essential activities such as buying groceries, attending school and work, and accessing health care. This in turn will help support Indiana businesses and also boost state revenue through fees associated with obtaining the credential. Of equal if not greater importance, a Driver Card will demonstrate empathy and caring toward friends and neighbors in our community and state who live and work alongside us and already contribute in countless ways, including performing essential services, paying taxes, and patronizing Indiana businesses.



Beyond bringing positive economic and social impacts, an Indiana Driver Card will help ensure that all drivers on Indiana's roads are trained, certified, insured and identifiable to law enforcement. This in turn should help reduce accidents, and may also reduce the premiums paid by licensed drivers, who cover the cost of accidents involving uninsured drivers. In addition to enhancing public safety, a Driver Card will promote positive relations with law enforcement by reducing the fear of traffic stops and by reducing any incentives to leave the scene of an accident.

**Background:**

Until 2007, Indiana law did not bar undocumented residents from obtaining a driver's license if they passed the necessary written and physical tests and provided certain basic personal information. In 2005, however, Congress passed the REAL ID Act<sup>1</sup>, which requires that state driver's licenses and identification cards meet certain security standards before they may be accepted by federal agencies for official purposes, like entering federal facilities and boarding federally regulated commercial aircraft. One of these new security standards was that by 2008, states must require applicants for driver's licenses to provide proof of lawful status in the United States. REAL ID Act, Section 202(c)(2). In 2007, Indiana amended our state code to include this requirement. IC 9-24-9-2.5.

Accordingly, under current law undocumented residents may not obtain a driver's license. This means that undocumented residents in the state are either driving unlawfully or forgoing driving. If they are driving unlawfully, they may well also be driving without the requisite training, and they cannot get insurance, all of which creates the risk of more accidents and higher costs to licensed drivers, who effectively cover the cost of the uninsured through higher premiums. Moreover, because undocumented residents risk deportation if they are detained while without a license, see generally 8 U.S.C. §1227 (setting out bases for deportation), they may decline to seek help in an accident or flee the scene. If they forgo driving altogether, they may be substantially hampered in doing basic and critical things like going to work, school, the grocery store, and the doctor.

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<sup>1</sup> Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, [Public Law 109-13](#), div. B. title II, May 11, 2005, as amended (codified at [49 U.S.C. 30301 note](#)) (REAL ID Act).



The REAL ID Act does not prevent states from issuing driving credentials to undocumented residents that may be used to permit driving within the state, even though they will not be accepted for other purposes like boarding flights, voting, entering federal facilities, and so on. To help avoid the problems created by the lack of access to driving credentials for undocumented residents, 18 states, the District of Columbia, and Puerto Rico have already passed legislation creating a driver card for residents who cannot prove lawful status in the United States. Bipartisan legislation to do the same in Indiana has been introduced several times, including in the recent 2023 session, but has not yet passed. The most recent versions of this legislation, SB 248 and HB 1644, would have allowed an Indiana resident who cannot provide proof of identity and lawful status in the United States, but who can show payment of state income taxes for at least the last year, to apply for a driving privilege card that would be renewable annually and could be used only for driving and law enforcement purposes. Among other requirements, applicants would have to provide the usual personal information for a license, submit fingerprints for local and national criminal background checks, pass written tests and a driving exam, sign up for selective service as provided by law, and verify maintenance of insurance or other approved financial responsibility for the vehicle(s) they are operating. The bills prohibited the Bureau of Motor Vehicles from disclosing certain information unless presented with a warrant or court order.

At least ten city and town councils in Indiana have passed resolutions, and 48 Indiana mayors from both major parties have signed a letter to Governor Holcomb and the Indiana General Assembly, calling for the state legislature to enact a Driver Card that would allow undocumented residents to obtain a valid driving credential after meeting appropriate requirements including training, certification and insurance. Resolution 23-09 would add the voices of the City of Bloomington Common Council to this effort and call on members of our community to communicate their own support to our state legislators.

**Statement of fiscal impact:**

Neither passage of Resolution 23-09, nor eventual implementation of a Driver Card as described herein, is expected to impose costs on the City of Bloomington.