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**The Hispanic Bar Association of New Jersey Supports Bills
A4743/S3229, Which Allow New Jersey Residents Who Do Not
Qualify For a Real ID Act License, To Receive a Driver's License.**

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The Hispanic Bar Association of New Jersey (HBA-NJ) urges the New Jersey Assembly and Senate to pass bills A4743 and S3229. The bills create two types of driver's licenses: 1) a basic driver's license, and 2) a REAL ID Act compliant driver's license. The basic driver's license provides driving privileges to New Jersey residents who do not qualify for a REAL ID Act license. The REAL ID Act compliant license, in turn, may be used for federal purposes and is available to those who prove lawful residence in the United States.

In 2005, Congress enacted the REAL ID Act. The Act established rigorous application requirements for driver's licenses and identification cards for access to federal facilities and nuclear power plants, and for boarding commercial flights.

New Jersey's proposed legislation is a practical response to privacy concerns raised by the REAL ID Act, such as the retention by the New Jersey Motor Vehicle Commission (MVC) of copies of documents that individuals submit to prove their identity or residency. By directing state agencies to not retain such documents, the proposed bills aim to comply with federal law—which mandates access to state agency records—while protecting the privacy of New Jersey residents.

If enacted, the bills would also provide immigrants with access to New Jersey's roads—thereby increasing their access to employment, education, and healthcare. The law would generate additional revenues through licensing fees and would boost the economy through a more mobile labor force. Additionally, under the law, new drivers would join the insurance

pool, thereby lowering insurance rates that must account for accidents involving uninsured motorists. Finally, access to these licenses would reduce the risk of undocumented drivers being detained for unlicensed driving; or worse, thereafter being placed into the custody of U.S. Immigrations and Customs Enforcement for potential deportation.

There may still be risks for those carrying these licenses, such as confirmation bias on the part of law enforcement (i.e., the belief that a standard driver's license automatically equates to an undocumented driver) or federal agencies making adverse inferences based on limited information received from the MVC. Notwithstanding, mobility without fear of deportation is essential for quality of life. Undocumented New Jerseyans should be able to weigh any potential risks against the benefits of: 1) access to licenses, and 2) insurance to protect valuable property, passengers, and other motorists. Accordingly, the HBA-NJ urges legislators to pass bills A4743 and S3229 without further delay.

HBA-NJ President Julia A. López noted: "This bill is a step in the right direction. If the bill becomes law, it will be crucial for the State and its agencies to implement additional privacy protections and educate the public and law enforcement on the significance and implications of the two categories of licenses."

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About The Hispanic Bar Association of New Jersey

Founded in 1980, the HBA-NJ is a 501(c)(6) nonprofit association that is comprised of attorneys, judges, law professors, law students, and other professionals who share a common interest in addressing the issues affecting Hispanics within the legal community.

The purpose of the Association is to serve the public interest: (i) by cultivating the art and science of jurisprudence, (ii) by advancing the standing of the legal profession, and (iii) by preserving high standards of integrity, honor, and professional courtesy among Hispanic lawyers.

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