


# **EXHIBIT A**

 KeyCite Yellow Flag - Negative Treatment  
Proposed Regulation

Wisconsin Administrative Code Currentness  
Department of Transportation  
Chapter Trans 102. Operator's Licenses and Identification Cards

Wis. Adm. Code s Trans 102.15

Trans 102.15 Proof of identification.

(1) "UNAVAILABLE" DEFINED. In this section, "unavailable" does not include documents which persons have forgotten to bring with them when applying for a license or identification card, or a lost or destroyed document if a replacement original or a certified copy of the document is available to those persons upon proper request.

(2) REQUIREMENTS. (a) Satisfactory proof of date of birth, as specified under sub. (3) and satisfactory proof of identity as specified under sub. (4) shall be submitted by a person applying for an original Wisconsin operator's license or identification card.

(b) Satisfactory proof of identity as specified under sub. (4) shall be submitted by a person applying for a renewal, reissue, reinstatement or duplicate of a Wisconsin operator's license or identification card.

(bm) 1. Any person applying for an original Wisconsin operator's license or identification card shall submit satisfactory proof of citizenship, legal permanent resident or conditional resident status of the United States, or legal presence in the United States, as specified under sub. (3m).

2. The department may require any person applying for a reissue, reinstatement, renewal or duplicate operator's license or identification card to provide satisfactory proof of citizenship, legal permanent resident or conditional resident status of the United States as specified under sub. (3m) to determine the person's eligibility for the operator's license or identification card.

(c) Except as provided in sub. (5m), a person shall provide proof of the person's name and date of birth under sub. (3), of the person's identity under sub. (4), and of the person's residency under sub. (4m), upon the first application for an original, renewal, reinstatement or duplicate operator's license or identification card following:

1. Any action which results in the department creating an AKA record in the person's driver file;
2. Cancellation of the person's license or identification card for altering a license or identification card, or cancellation for making a fraudulent or falsified application for a license or identification card, or cancellation for violation of [s. 343.25 \(1\), \(4\), \(5\) or \(6\), Stats.](#);
3. Suspension of the person's license under [s. 343.34 \(2\), Stats.](#);

4. Revocation or suspension of the person's operating privilege under [s. 343.31 \(2r\), Stats.](#);

5. Revocation of the person's operating privilege under [s. 343.32 \(1s\), Stats.](#);

6. Revocation or suspension of an instructor's license pursuant to [s. 343.67 \(4\), Stats.](#); or

**Note:** [Section 343.67 \(4\), Stats.](#), was repealed by 2005 Wis. Act 397.

7. Conviction for violation of [ss. 343.14 \(5\), 343.16 \(7\) \(a\) or \(b\), 343.19 \(2\), 343.43 \(1\), 343.50 \(4\) or \(12\) or 345.17, Stats.](#)

8. The department has confiscated a document from the person for any of the reasons set forth in [s. Trans 102.025](#).

**(3) PROOF OF NAME AND DATE OF BIRTH.** (a) One of the following is satisfactory proof of a person's name and date of birth:

1. For a person born in Wisconsin, a copy of the person's Wisconsin birth certificate issued and certified in accordance with [s. 69.21, Stats.](#);

2. For a person born in another jurisdiction, other than a province of the Dominion of Canada, a certified copy of his or her birth certificate or the equivalent document from that other jurisdiction or a certificate of birth abroad issued by the U.S. department of state (federal form FS-545 or DS-1350);

3. A US passport;

4. A valid, unexpired passport issued by a foreign country with federal I-551 resident alien registration receipt card or federal I-94 arrival and departure record that bears a photograph of the person and identifies the person's first and last names, and the person's day, month and year of birth;

5. A Wisconsin operator's license bearing a photograph of the person;

6. A Wisconsin identification card issued under [s. 343.50, Stats.](#), bearing a photograph of the person, other than an identification card issued under sub. (5m) (b);

7. A federal I-551 "permanent resident alien registration receipt card";

8. A federal I-94 "parole edition" or "refugees version" arrival-departure record, together with a certification, on the department's form, by the person, of the person's name and date of birth, a copy of a U.S. department of state refugee data center reception and placement program assurance form and a letter from the person's sponsoring agency on its letterhead, supporting the person's

application for a Wisconsin ID card or driver license and confirming the person's identification. Applicants who are unable to provide a reception and placement program assurance form may be issued a Wisconsin ID card or driver license, but only after their identification has been confirmed by the U.S. citizenship and immigration services;

9. A U.S. certificate of naturalization;

10. A certificate of U.S. citizenship;

11. A federal temporary resident card or employment authorization card, I-688, I-688A, I-688B, and I-766;

15. A Native American identification card meeting all of the following requirements:

- a. Issued by a federally recognized tribe or a band of a federally recognized tribe.
- b. Issued in Wisconsin.
- c. Includes a photograph and signature or reproduction of a signature of the person.
- d. Has been approved by the secretary for use as identification.

**Note:** The following have been approved as of November 1, 2004: Red Cliff Band of Lake Superior Chippewas issued on or after October 1, 2003; St. Croix Band of Lake Superior Chippewa Indians; the Menominee Indian Tribe of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians; Bad River Band of Lake Superior Chippewa Indians; Ho-Chunk Nation; Forest County Potawatomi; Sokaogan Chippewa Community Mole Lake Band issued on or after October 1, 2003; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin issued on or after October 18, 2004.

17. A court order under seal related to the adoption or divorce of the individual or to a name or gender change that includes the person's current full legal name, date of birth and in the case of a name change or divorce order, the person's prior name;

**Note:** Examples include, but are not limited to, adoption document, name change document, or gender document. This does not include abstract of criminal or civil conviction.

18. An armed forces of the United States common access card or DD Form 2 identification card issued to military personnel;

21. Department of homeland security/transportation security administration transportation worker identification credential.

(am) Except as provided in Trans 102.15 (5m) (b) 3., neither a hospital birth certificate, a notification of birth registration nor baptismal certificate is satisfactory proof of a person's name and date of birth.

(d) The administrator shall approve a name change requested by a person who cannot provide documentation under par. (a) 17. of a lawful change of name if the person provides proof of identity specified in sub. (4) in the new name, and the administrator receives from the federal social security administration evidence or confirmation of the name change.

**(3m) PROOF OF CITIZENSHIP, LEGAL PERMANENT RESIDENT STATUS, CONDITIONAL RESIDENT STATUS OR LEGAL PRESENCE.** (a) One of the following is satisfactory proof of a person's citizenship, legal permanent resident status, conditional resident status or legal presence in the United States:

1. U.S. state or local government issued certificate of birth.
2. Valid U.S. passport.
3. Valid foreign passport with appropriate immigration documents, which shall include or be accompanied by federal form I-94, arrival and departure record.

**Note:** The appropriate immigration documents determine legal presence, not the passport itself.

4. Certificate of U.S. citizenship (federal form N-560).
5. U.S. Certificate of naturalization (federal form N-550).
6. Valid department of homeland security/U.S. citizenship and immigration services federal form I-551, resident alien registration receipt card, issued since 1997.
7. Valid department of homeland security/U.S. citizenship and immigration services federal form I-688, temporary resident identification card.
8. Valid department of homeland security/U.S. citizenship and immigration services federal form I-688B or I-766, employment authorization document.
9. Valid department of homeland security/U.S. citizenship and immigration services federal form I-571, refugee travel document.
10. Department of homeland security/U.S. citizenship and immigration services federal form I-797, notice of action.
11. Department of homeland security/transportation security administration transportation worker identification credential.
12. U.S. department of state reception and placement program assurance form (refugee version), which shall include or be accompanied by federal form I-94, arrival and departure record.

13. Documentary proof specified in [s. 343.14 \(2\) \(es\), Stats.](#), that is approved by the appropriate federal authority.

(4) PROOF OF IDENTITY. One of the following is satisfactory proof of identity:

(a) A supporting document identifying the person by name and bearing the person's signature, a reproduction of the person's signature, or a photograph of the person. Acceptable supporting documents include:

2. A valid operator's license, including a license from another jurisdiction, except a province of the Dominion of Canada, bearing a photograph of the person;

**Note:** Temporary driving receipts from other jurisdictions are not acceptable. "Another jurisdiction" is defined at [s. 340.01 \(41m\), Stats.](#)

3. Military discharge papers (including certified copy of federal form DD-214);

4. A U.S. government and military dependent identification card;

5. A valid photo identification card issued by Wisconsin or another jurisdiction, except a province of the Dominion of Canada, bearing a photograph of the person;

11. A marriage certificate or certified copy of judgment of divorce;

**Note:** A testament to the marriage document does not satisfy this requirement.

13. A social security card issued by the social security administration;

**Note:** Metal or other duplicate Social Security Cards are not acceptable.

23. Any document permitted under sub. (3) (a), if it bears a photograph of the person and was not used as proof of name and date of birth.

**Note:** This permits a person to use two separate documents under sub. (3) (a) to satisfy the requirements of subs. (3) and (4).

24. Department of homeland security/transportation security administration transportation worker identification credential.

(c) A person applying without a personal appearance to reinstate a suspended or revoked license or identification card or to renew a license subject to [s. Trans 102.03 \(2\) and \(5\)](#) or obtain a duplicate license or identification card, if all of the following apply:

1. The department is able to produce an acceptable photograph and facsimile signature for the individual from its digital image computer records.

2. The person's name as shown on the license is unchanged.

3. The person is a Wisconsin resident.

**(4m) PROOF OF RESIDENCY.** The department may request additional documents to establish proof of residency for persons 18 years of age or over if proofs of name and date of birth or identity are those described in sub. (3) (a) 5., 6. or (4) (c), or do not include a current acceptable Wisconsin residence street address. A document listing a post office box or commercial receiving agency as the mailing address is not acceptable proof of residency. Any of the following are satisfactory proof of residency:

(b) A utility bill for water, gas, electric or land line phone service at least 30 days old.

(c) A paycheck or stub with the customer's name and address, and the employer's name and address. The employer's telephone number may be requested for verification.

(d) An account statement at least 30 days old from a Wisconsin financial institution.

(f) Mortgage documents for a residential real property located in Wisconsin.

**(5) PROOF OF SOCIAL SECURITY NUMBER.** (a) Each person who applies for an operator's license or ID card is required to provide his or her social security number, except that Class D and M license applicants may be issued licenses without social security numbers as provided in pars. (b) and (c). The department may verify the number with the federal social security administration prior to acceptance for issuance of an operator's license or identification card, may delay issuance of a license if verification cannot be completed at the time of application, or may cancel a license if verification is requested after license issuance and the person does not provide verification. The original social security card or other documentation satisfactory to the department to prove the person's social security number shall be presented to the examiner for verification of the number, when any of the following apply:

1. A duplicate social security number is found on the department's driver files and assigned to another person;

2. The social security number provided on the person's current application does not match the number provided by the person on a previous application that is recorded on the person's driver file;

3. The social security number being submitted does not match the format of social security numbers issued by the federal social security administration.

4. The department is advised by the federal social security administration, internal revenue service, department of revenue, department of workforce development, or other state, federal or local government agency that the social security number provided by the person is suspected to not belong to the applicant, to have been used by multiple persons, or to have been assigned to a person other than the applicant.

(b) The department may issue a special number, in lieu of the social security number, to identify an applicant if the person's seriously held religious convictions do not allow them to provide a social security number to the department. A person who objects to providing a social security number due to a religious conviction, shall complete, sign, and date a statement detailing and explaining the religious objection on forms provided by the department. The department may conduct a review in Madison to determine whether the conviction detailed in the application is a seriously held religious belief of the applicant. The applicant may be required to appear at the review or to interview with a department investigator.

**Note:** See s. 343.14 (2) (b), (bm) and (br), Stats. Form MV3415 Religious conviction exemption request.

(bm) The department shall issue a special number, in lieu of the social security number, to identify the person if the applicant does not have a social security number and submits a statement made or subscribed under oath or affirmation that the applicant does not have a social security number in the form prescribed by the department of workforce development.

**Note:** See s. 343.14 (2) (br), Stats.

(c) The department may issue a special number, in lieu of the social security number, to identify the person when the person has not been issued a social security number or the person's social security number is not available, and the person is being issued an original instruction permit and does not have an existing driver file in Wisconsin. The person is required to provide his or her social security number on any subsequent application following the original issuance of the instruction permit.

**(5m) EXTRAORDINARY PROOF OF NAME, DATE OF BIRTH, OR U.S. CITIZENSHIP.** (a) Except as provided in par. (b), if a person is unable to provide documentation under sub. (3) (a), and the documents are unavailable to the person, the person may make a written petition to the administrator for an exception to the requirements of sub. (3) (a). The application shall include proof of identity required by sub. (4) and:

1. A certification of the person's name, date of birth and current residence street address on the department's form;
2. An explanation of the circumstances by which the person is unable to provide any of the documents described in sub. (3) (a); and
3. Whatever documentation is available which states the person's name and date of birth.

(b) 1. If a person requests an identification card without charge for the purposes of voting and the person's proof of name and date of birth under sub. (3) or of proof of citizenship under sub. (3m) is unavailable, the person may make a written petition to the administrator for an exception to the requirement for which proof is unavailable. The petition shall include the person's statement under oath or affirmation: that the person is unable to provide documentation under sub. (3) or proof of citizenship under sub. (3m); that the documents are unavailable to the person; and of his or her name, date of birth, place of birth, and such other birth record information requested by the Department, or the person's alien or U.S. citizenship and immigration service number or U.S. citizenship certificate number.

2. Upon receiving a petition that meets the requirements under subd. 1, the administrator shall provide the person's birth record information to the Department of health services, for the sole purpose of verification by the Department of health services of



the person's birth certificate information or the equivalent document from another jurisdiction, other than a province of the Dominion of Canada, or to a federal agency for the sole purpose of verifying the person's certificate of birth abroad issued by the U.S. Department of state, or of verifying the person's alien or U.S. citizenship and immigration service number or U.S. citizenship certificate number. The Department of transportation may not complete processing of the application prior to receiving verification under this subdivision, except as provided in subd. 3.

3. If the Department does not receive verification under subd. 2., the Department shall notify the person of that failure to verify. The Department may thereafter issue an identification card to the person only if the Department receives verification under subd. 2., if the person provides proof required under sub. (3) or (3m), or if the Department receives other secondary documentation that is extraordinary proof and deemed acceptable to the administrator to prove name, date of birth or U.S. citizenship, which may include the following:

- a. Baptismal certificate.
- b. Hospital birth certificate.
- c. Delayed birth certificate.
- d. Census record.
- e. Early school record.
- f. Family Bible record.
- g. Doctor's record of post-natal care.
- h. Other documentation deemed acceptable to the administrator, within his or her reasonable discretion.

4. Notwithstanding Trans 102.15 (1), in this paragraph "unavailable" means that the applicant does not have the document and would be required to pay a government agency to obtain it.

(c) The administrator may delegate to the administrator's subordinates the authority to accept or reject such extraordinary proof of name, date of birth, or citizenship under this subsection.

**Note:** Form MV3002 certification of name and date of birth.

(e) The denial of a petition under par. (b) is subject to judicial review in the manner provided in ch. 227 for the review of administrative decisions.

(6) **TEMPORARY DRIVER RECEIPT.** The Department may issue a temporary driver receipt for operation of class D or M vehicles to a person who is temporarily unable to meet the identification requirements of sub. (3). The temporary

driver receipt shall state the date of issue, shall be clearly marked "NOT VALID FOR IDENTIFICATION," and shall be validated for the operation of a vehicle for a stated period of up to 60 days from the date issued. The person may complete his or her license application within this period by presenting proof of the person's name and date of birth in accordance with sub. (3) (a). For good cause shown, the Department may renew the driving receipt once for an additional period of no more than 60 days. This subsection does not prohibit a person from proceeding under sub. (5m) (a). This subsection applies only to persons who meet all of the following:

(a) Were previously licensed in another jurisdiction who surrender to the department the driver's license issued by the other jurisdiction.

(b) Are unable to immediately provide proof of name and date of birth in accordance with sub. (3) (a), but state that they will be able to do so.

(c) Submit an otherwise complete and acceptable application, including the proof of identity required by sub. (4) and social security number required by sub. (5).

**Note:** Form MV3432, Receipt.

**Note:** [Section 343.11 \(1\), Stats.](#), prohibits issuance of temporary driving receipts in situations where a CDL is required. A temporary driving receipt may be used by drivers who are exempt from CDL requirements under [s. 343.055, Stats.](#)

(7) **ADDITIONAL DOCUMENTATION.** The department may require additional documentation or proof of identity beyond the minimum requirements of this section from an applicant if the department has been notified that the person is or may be a victim of identity theft.

### Credits

**History:** Cr. Register, January, 1984, No. 337, eff. 2-1-84; emerg. am. eff. 6-24-86; r. and recr. Register, December, 1990, No. 420, eff. 1-1-91; am. (6) (intro.), Register, January, 1993, No. 445, eff. 2-1-93; am. (3) (a) 5., 6., 11., (4) (a) (intro.), 2., 4. to 8., 13., 19., (5) (a) (intro.), cr. (3) (a) 14. to 18., (4) (intro.), (a) 20., (b), renum. (4) (b) (intro.), 1., 4., 6. and 7. to be (4) (c) (intro.), 1. to 4. and am. (4) (c) (intro.), r. (4) (b) 2., 3., 5., Register, January, 1997, No. 493, eff. 2-1-97; am. (2) (a), (c) (intro.), 7., (3) (a) (intro.), 8., 16., (3) (b) 1., 3., (c) and (4) (a) 1., (4) (b) 2., (6) (intro.) and (b), cr. (3) (a) 19., (4) (a) 21, Register, December, 1999, No. 528, eff. 1-1-00; emerg. am. (3) (a) 8., eff. 12-21-01; CR 02-005: am. (3) (a) 8. Register May 2002 No. 557, eff. 6-1-02; corrections in (2) (c) 4. and 5. made under [s. 13.93 \(2m\) \(b\) 7., Stats.](#), Register May 2002 No. 557; CR 04-100: am. (2) (c) (intro.), (3) (a) 2., 4. to 8., 11. and 15. to 19., (3) (b) 1., (4) (a) (intro.) 2., 5. to 7., 12., 18., 19 and 21, (5) (a) to (c), cr. (2) (c) 8., (3) (a) 20., (4) (a) 22. and 23., (c) 5. and (4m), (5) (a) 4. and (bm), r. (3) (a) 12. to 14. and (4) (a) 8. to 10., 15., 17. and 20., r. and recr. (4) (b) and (c) 2., renum. (7) to be [s. Trans 102.025 \(1\)](#), Register June 2005 No. 594, eff. 7-1-05; CR 05-109: am. (6) (intro.) Register April 2006 No. 604, eff. 5-1-06; CR 06-082: cr. (2) (bm) and (3m) Register December 2006 No. 612, eff. 4-1-07; CR 06-128: am. (3) (a) 2., 4., (4) (a) 2. and 5., r. (3) (a) 16., 19., 20., (4) (a) 1., 6., 7., 12., 14., 18., 19., 21. and 22., (b), (c) (intro.), 1., 3. to 5., (4m) (a), (e) and (8), cr. (3) (a) 21., (4) (a) 24. and (4m) (f), renum. (4) (c) 2. to be (4) (c) and am. (4) (c) (intro.) Register April 2007 No. 616, eff. 5-1-07; correction in (3m) (a) made under [s. 13.92 \(4\) \(b\) 7., Stats.](#), Register February 2013 No. 686; **CR 14-061: am. (2) (c), renum. (3) (a) 2. (Note) to (3) (am) and am., am. (3) (a) 6., renum. (3) (b) to (5m) (a) and am. (5m) (a) (intro.) and 2., renum. (3) (c) to (5m) (c) and am., cr. (3) (d), (5m) (title), (b), (e), am. (6) (intro.) Register May 2015 No. 713, eff. 6-1-15.**

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