

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 33
Committee Substitute Favorable 2/28/11
PROPOSED COMMITTEE SUBSTITUTE H33-PCS70110-RF-5

Short Title: Consular Documents Not Acceptable as ID.

(Public)

Sponsors:

Referred to:

February 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT CERTAIN CONSULATE OR EMBASSY DOCUMENTS
3 MAY NOT BE USED TO DETERMINE A PERSON'S IDENTIFICATION OR
4 RESIDENCE FOR GOVERNMENTAL AND LAW ENFORCEMENT PURPOSES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 15A of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 18.

9 "Identification Documents.

10 "**§ 15A-306. Consulate documents not acceptable as identification.**

11 (a) The matricula consular or other similar document issued by a consulate or embassy
12 of another country shall not be acceptable for use in determining a person's actual identity or
13 residency by a justice, judge, clerk, magistrate, law enforcement officer, or other government
14 official.

15 (b) No local government may establish, by policy or ordinance, the acceptability of the
16 matricula consular or other similar document issued by a consulate or embassy of another
17 country as a form of identification to be used to determine the identity or residency of any
18 person. Any local government policy or ordinance that contradicts this section is hereby
19 repealed."

20 SECTION 2. G.S. 20-7(b4) reads as rewritten:

21 "(b4) Examples of documents that are reasonably reliable indicators of residency include,
22 but are not limited to, any of the following:

- 23 (1) A pay stub with the payee's address.
- 24 (2) A utility bill showing the address of the applicant-payor.
- 25 (3) A contract for an apartment, house, modular unit, or manufactured home
26 with a North Carolina address signed by the applicant.
- 27 (4) A receipt for personal property taxes paid.
- 28 (5) A receipt for real property taxes paid to a North Carolina locality.
- 29 (6) A current automobile insurance policy issued to the applicant and showing
30 the applicant's address.
- 31 (7) A monthly or quarterly financial statement from a North Carolina regulated
32 financial institution.



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- 1 ~~(8) A matricula consular or substantially similar document issued by the~~
2 ~~Mexican Consulate for North Carolina.~~
3 ~~(9) A document similar to that described in subsection (8) of this section, issued~~
4 ~~by the consulate or embassy of another country. This subdivision only~~
5 ~~applies if the Division has consulted with the United State Department of~~
6 ~~State and is satisfied with the reliability of such document."~~

7 **SECTION 3.** G.S. 58-2-164(c) reads as rewritten:

8 "(c) The insurer and its agent shall also take reasonable steps to verify that the
9 information provided by an applicant regarding the applicant's address and the place the motor
10 vehicle is garaged is correct. The insurer may take its own reasonable steps to verify residency
11 or eligible risk status or may rely upon the agent verification of residency or eligible risk status
12 to meet the insurer's verification obligations under this section. The agent shall retain copies of
13 any items obtained under this section as required under the record retention rules adopted by
14 the Commissioner and in accordance with G.S. 58-2-185. The agent may satisfy the
15 requirements of this section by obtaining reliable proof of North Carolina residency from the
16 applicant or the applicant's status as an eligible risk. Reliable proof of residency or eligible risk
17 includes but is not limited to:

- 18 (1) A pay stub with the payee's address.
19 (2) A utility bill showing the address of the applicant-payor.
20 (3) A lease for an apartment, house, modular unit, or manufactured home with a
21 North Carolina address signed by the applicant.
22 (4) A receipt for personal property taxes paid.
23 (5) A receipt for real property taxes paid to a North Carolina locality.
24 (6) A monthly or quarterly financial statement from a North Carolina regulated
25 financial institution.
26 (7) A valid unexpired North Carolina driver's license.
27 ~~(8) A matricula consular or substantially similar document issued by the~~
28 ~~Mexican Consulate for North Carolina.~~
29 ~~(9) A document similar to that described in subdivision (8) of this section,~~
30 ~~issued by the consulate or embassy of another country that would be~~
31 ~~accepted by the North Carolina Division of Motor Vehicles as set forth in~~
32 ~~G.S. 20-7(b4)(9).~~
33 (10) A valid North Carolina vehicle registration.
34 (11) A valid military ID.
35 (12) A valid student ID for a North Carolina school or university."

36 **SECTION 4.** G.S. 108A-55.3(b) reads as rewritten:

37 "(b) An applicant may meet the requirements of subsection (a) of this section by
38 providing at least two of the following documents:

- 39 (1) A valid North Carolina drivers license or other identification card issued by
40 the North Carolina Division of Motor Vehicles.
41 (2) A current North Carolina rent or mortgage payment receipt, or current utility
42 bill in the name of the applicant or the applicant's legal spouse showing a
43 North Carolina address.
44 (3) A valid North Carolina motor vehicle registration in the applicant's name
45 and showing the applicant's current address.
46 (4) A document showing that the applicant is employed in this State.
47 (5) One or more documents proving that the applicant's domicile in the
48 applicant's prior state of domicile has ended, such as closing of a bank
49 account, termination of employment, or sale of a home.
50 (6) The tax records of the applicant or the applicant's legal spouse, showing a
51 current North Carolina address.

- 1 (7) A document showing that the applicant has registered with a public or
2 private employment service in this State.
- 3 (8) A document showing that the applicant has enrolled the applicant's children
4 in a public or private school or child care facility located in this State.
- 5 (9) A document showing that the applicant is receiving public assistance or
6 other services requiring proof of domicile, other than medical assistance, in
7 this State.
- 8 (10) Records from a health department or other health care provider located in
9 this State showing the applicant's current North Carolina address.
- 10 (11) A written declaration made under penalty of perjury from a person who has
11 a social, family, or economic relationship with the applicant and who has
12 personal knowledge of the applicant's intent to live in North Carolina
13 permanently or for an indefinite period of time or that the applicant is
14 residing in North Carolina to seek employment or with a job commitment.
- 15 (12) Current North Carolina voter registration card.
- 16 (13) A document from the U.S. Department of Veterans Affairs, U.S. Military, or
17 the U.S. Department of Homeland Security verifying the applicant's intent to
18 live in North Carolina permanently or for an indefinite period of time or that
19 the applicant is residing in North Carolina to seek employment or with a job
20 commitment.
- 21 (14) Official North Carolina school records, signed by school officials, or
22 diplomas issued by North Carolina schools, including secondary schools,
23 community colleges, colleges, and universities verifying the applicant's
24 intent to live in North Carolina permanently or for an indefinite period of
25 time or that the applicant is residing in North Carolina to seek employment
26 or with a job commitment.
- 27 ~~(15) A document issued by the Mexican consular or other foreign consulate
28 verifying the applicant's intent to live in North Carolina permanently or for
29 an indefinite period of time or that the applicant is residing in North Carolina
30 to seek employment or with a job commitment."~~

31 **SECTION 5.** This act is effective when it becomes law.