



The Commonwealth of Massachusetts

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Rep. Barrows supports Governor's veto to prevent undocumented immigrants from obtaining a Mass. driver's license

BOSTON – State Representative F. Jay Barrows (R-Mansfield) recently voted to sustain Governor Charlie Baker's veto of legislation that would allow undocumented immigrants to obtain a Massachusetts driver's license.

In voting to support the Governor's veto, Representative Barrows cited concerns about the fairness of the underlying bill and questioned whether sufficient safeguards are in place to prevent individuals who cannot provide proof of lawful residence from using a driver's license to register to vote. Despite his objections, the House of Representatives voted 119-36 to override the Governor's veto on June 8.

The Senate is expected to take up the Governor's veto on June 9. If the override is successful, the bill will become law without Governor Baker's signature and will take effect on July 1, 2023.

House Bill 4470, *An Act relative to work and family mobility*, was initially approved by the House of Representatives on February 16 by a vote of 120-36, with Representative Barrows opposed. The Senate passed its own version of the bill – Senate Bill 2872 – on May 5 by a vote of 32-8.

A conference committee appointed to reconcile the differences between the two bills worked quickly to finalize a compromise bill, House Bill 4805, which was opposed by the two Republican conferees, Representative Steven Xiarhos (R-Barnstable) and Senator Ryan Fattman (R-Webster).

Under the bill, individuals who cannot provide proof of lawful presence in the United States will now be able to obtain a non-REAL ID compliant Massachusetts driver's license if they can produce sufficient documentation to verify their identity with the Registry of Motor Vehicles. This documentation must include either a valid unexpired foreign passport or a valid unexpired Consular Identification document, as well as one of the following: a valid unexpired driver's license from any US state or territory; an original or certified copy of a birth certificate; a valid unexpired foreign national identification card; a valid unexpired foreign driver's license; or a marriage certificate or divorce decree issued in Massachusetts. At least one document must include a photograph of the applicant and one document must include their date of birth.

Proponents of the bill say it will improve public safety by encouraging undocumented immigrants to undergo driver training and to insure their motor vehicles, but Representative Barrows is skeptical of those claims and believes the proposal is particularly unfair to those individuals who have followed the law to secure lawful presence status or citizenship.

Representative Barrows previously supported an alternative proposal, filed by Representative Shawn Dooley (R-Norfolk), that would instead allow undocumented residents to apply for a state-issued “driver privilege card” (DPC) to legally operate a motor vehicle in Massachusetts, but the amendment was defeated. Under this proposal, applicants would be required to complete a comprehensive driver education and training course, provide proof of payment of all state and federal taxes as well as employment, and submit sufficient documentation verifying their name, date and place of birth. It also established minimum levels of auto insurance coverage for DPC holders, and specifically stated that these individuals would not be allowed to vote in any local, state or federal election.

Representative Barrows also objected to language in the bill that prohibits the Registrar of Motor Vehicles from disclosing or making public record any personally identifying information provided by an applicant, unless required by federal law or authorized through regulations that will be developed by the attorney general. He previously supported a pair of amendments that would have required the Registrar to provide information on an applicant under specific circumstances, including to a city or town clerk seeking to verify the identity and eligibility of any individual using a Massachusetts license to vote or to register to vote, or to a state law enforcement agency requesting information pursuant to an investigation. Both amendments were defeated on votes of 31-125.

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