

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2102

AN ACT

AMENDING SECTION 41-1080, ARIZONA REVISED STATUTES; RELATING TO LICENSING ELIGIBILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-1080, Arizona Revised Statutes, is amended to
3 read:
4 41-1080. Licensing and fingerprint clearance card eligibility;
5 authorized presence; documentation; applicability;
6 definitions
7 A. ~~After September 30, 2008 and~~ Subject to subsections C and D OF THIS
8 SECTION, an agency or political subdivision of this state shall not issue a
9 license OR FINGERPRINT CLEARANCE CARD to an individual if the individual does
10 not provide documentation of citizenship or alien status by presenting any of
11 the following documents to the agency or political subdivision indicating
12 that the individual's presence in the United States is authorized under
13 federal law:
14 1. An Arizona driver license issued after 1996 or an Arizona
15 nonoperating identification license.
16 2. A driver license issued by a state that verifies lawful presence in
17 the United States.
18 3. A birth certificate or delayed birth certificate issued in any
19 state, territory or possession of the United States.
20 4. A United States certificate of birth abroad.
21 5. A United States passport.
22 6. A foreign passport with a United States visa.
23 7. An I-94 form with a photograph.
24 8. A United States citizenship and immigration services employment
25 authorization document or refugee travel document.
26 9. A United States certificate of naturalization.
27 10. A United States certificate of citizenship.
28 11. A tribal certificate of Indian blood.
29 12. A tribal or bureau of Indian affairs affidavit of birth.
30 B. This section does not apply to an individual, ~~if~~ ~~+~~ EITHER:
31 1. BOTH of the following apply:
32 ~~1-~~ (a) The individual is a citizen of a foreign country or, if at the
33 time of application, the individual resides in a foreign country.
34 ~~2-~~ (b) The benefits that are related to the license do not require
35 the individual to be present in the United States in order to receive those
36 benefits.
37 2. ALL OF THE FOLLOWING APPLY:
38 (a) THE INDIVIDUAL IS A RESIDENT OF ANOTHER STATE.
39 (b) THE INDIVIDUAL HOLDS AN EQUIVALENT LICENSE IN THAT OTHER STATE AND
40 THE EQUIVALENT LICENSE IS OF THE SAME TYPE BEING SOUGHT IN THIS STATE.
41 (c) THE INDIVIDUAL SEEKS THE ARIZONA LICENSE TO COMPLY WITH THIS
42 STATE'S LICENSING LAWS AND NOT TO ESTABLISH RESIDENCY IN THIS STATE.
43 C. If, pursuant to subsection A OF THIS SECTION, an individual has
44 affirmatively established citizenship of the United States or a form of
45 nonexpiring work authorization issued by the federal government, the

1 individual, on renewal or reinstatement of a license, is not required to
2 provide subsequent documentation of that status.

3 D. If, on renewal or reinstatement of a license, an individual holds a
4 limited form of work authorization issued by the federal government that has
5 expired, the individual shall provide documentation of that status.

6 E. IF THE DOCUMENT LISTED IN SUBSECTION A OF THIS SECTION DOES NOT
7 CONTAIN A PHOTOGRAPH OF THE INDIVIDUAL, THE INDIVIDUAL SHALL ALSO PRESENT A
8 GOVERNMENT ISSUED DOCUMENT THAT CONTAINS A PHOTOGRAPH OF THE INDIVIDUAL.

9 ~~E.~~ F. For the purposes of this section:

10 1. "Agency" means:

11 (a) Any agency, department, board or commission of this state or any
12 political subdivision of this state that issues a license for the purposes of
13 operating a business in this state OR TO AN INDIVIDUAL WHO PROVIDES A SERVICE
14 TO ANY PERSON.

15 (b) THE DEPARTMENT OF PUBLIC SAFETY.

16 2. "FINGERPRINT CLEARANCE CARD" MEANS A FINGERPRINT CLEARANCE CARD OR
17 LEVEL I FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.03 OR
18 41-1758.07.

19 ~~2.~~ 3. "License" means any agency permit, certificate, approval,
20 registration, charter or similar form of authorization that is required by
21 law and that is issued by any agency for the purposes of operating a business
22 in this state OR TO AN INDIVIDUAL WHO PROVIDES A SERVICE TO ANY PERSON WHERE
23 THE LICENSE IS NECESSARY IN PERFORMING THAT SERVICE.