

REFERENCE TITLE: licensure; eligibility; documentation

State of Arizona
Senate
Fifty-sixth Legislature
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SB 1562

Introduced by
Senators Bravo: Bennett, Diaz, Shope; Representatives Hernandez A,
Hernandez C

AN ACT

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

(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 eligibility; authorized presence;
5 documentation; applicability; definitions

6 A. Subject to subsections C and D of this section, an agency or
7 political subdivision of this state shall not issue a license to an
8 individual if the individual does not provide documentation of citizenship
9 or alien status by presenting any of the following documents to the agency
10 or political subdivision indicating that the individual's presence in the
11 United States is authorized under federal law:

12 1. An Arizona driver license issued after 1996 or an Arizona
13 nonoperating identification license.

14 2. A driver license issued by a state that verifies lawful presence
15 in the United States.

16 3. A birth certificate or delayed birth certificate issued in any
17 state, territory or possession of the United States.

18 4. A United States certificate of birth abroad.

19 5. A United States passport.

20 6. A foreign passport with a United States visa.

21 7. An I-94 form with a photograph.

22 8. A United States citizenship and immigration services employment
23 authorization document or refugee travel document.

24 9. A United States certificate of naturalization.

25 10. A United States certificate of citizenship.

26 11. A tribal certificate of Indian blood.

27 12. A tribal or bureau of Indian affairs affidavit of birth.

28 13. Any other license that is issued by the federal government, any
29 other state government, an agency of this state or a political subdivision
30 of this state AND that requires proof of citizenship or lawful alien
31 status before issuing the license.

32 B. This section does not apply to an individual if either:

33 1. Both of the following apply:

34 (a) The individual is a citizen of a foreign country or, if at the
35 time of application, the individual resides in a foreign country.

36 (b) The benefits that are related to the license do not require the
37 individual to be present in the United States in order to receive those
38 benefits.

39 2. All of the following apply:

40 (a) The individual is a resident of another state.

41 (b) The individual holds an equivalent license in that other state
42 and the equivalent license is of the same type being sought in this state.

43 (c) The individual seeks the Arizona license to comply with this
44 state's licensing laws and not to establish residency in this state.

1 3. THE INDIVIDUAL IS AN ELIGIBLE PERSON AND THE ELIGIBLE PERSON
2 PROVIDES THE ELIGIBLE PERSON'S FEDERAL TAX IDENTIFICATION NUMBER. IF AN
3 AGENCY REQUIRES AN ELIGIBLE PERSON'S SOCIAL SECURITY NUMBER FOR THE
4 PURPOSES OF APPLYING FOR A LICENSE, THE AGENCY SHALL ACCEPT THE ELIGIBLE
5 PERSON'S FEDERAL TAX IDENTIFICATION NUMBER INSTEAD OF A SOCIAL SECURITY
6 NUMBER.

7 C. If, pursuant to subsection A of this section, an individual has
8 affirmatively established citizenship of the United States or a form of
9 nonexpiring work authorization issued by the federal government, the
10 individual, on renewal or reinstatement of a license, is not required to
11 provide subsequent documentation of that status.

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

16 E. If a document listed in subsection A, paragraphs 1 through 12 of
17 this section does not contain a photograph of the individual, the
18 individual shall also present a government issued document that contains a
19 photograph of the individual.

20 F. For the purposes of this section:

21 1. "Agency" means any agency, department, board or commission of
22 this state or any political subdivision of this state that issues a
23 license for the purposes of operating a business in this state or to an
24 individual who provides a service to any person.

25 2. "ELIGIBLE PERSON" MEANS EITHER OF THE FOLLOWING:

26 (a) A DEFERRED ACTION FOR CHILDHOOD ARRIVALS RECIPIENT PURSUANT TO
27 8 CODE OF FEDERAL REGULATIONS SECTION 274a.12.

28 (b) A QUALIFYING NONCITIZEN, OTHER THAN A NONIMMIGRANT ALIEN AS
29 DESCRIBED IN 8 UNITED STATES CODE SECTION 1101(a)(15).

30 ~~2.~~ 3. "License" means any agency permit, certificate, approval,
31 registration, charter or similar form of authorization that is required by
32 law and that is issued by any agency for the purposes of operating a
33 business in this state or to an individual who provides a service to any
34 person where the license is necessary in performing that service.