



HB 74 Sectional Analysis

Section 1: AS 18.65.310 – Amends subsection (a)

- (a) – Creates definition of “noncompliant” and “compliant” and sets fee for each. The current \$15 fee remains in place for noncompliant cards; compliant cards cost an additional \$5.

Section 2: AS 18.65.310 – Adds new subsections

- (m) – Allows for the creation of regulations for the issuance of **identification (ID) cards** that comply with the REAL ID Act of 2005.
- (n) – Clarifies the DMV will still issue noncompliant ID cards, giving Alaskans a choice. Also clarifies that all state, borough, and city governments shall treat the noncompliant IDs the same as a complaint ID.

Section 3: AS 28.15.041 – Adds new subsections

- (b) – Allows for the creation of regulations for the issuance of **driver’s licenses (DL)** that comply with the REAL ID Act of 2005.
- (c) – Clarifies the DMV will still issue noncompliant driver’s licenses, giving Alaskan’s a choice. Also clarifies that all state, borough, and city governments shall treat the noncompliant driver’s licenses the same as a complaint driver’s licenses.

Section 4: AS 28.15.101 – Amends subsection (a)

- (a) Changes the duration of a driver’s license or state identification card to eight years instead of five.

Section 5: AS 28.15.101 – Amends subsection (d)

- (d) Clarifies the DMV will issue licenses or ID cards for less than eight years to non-citizen persons authorized to be in the US for less than eight years – the duration will match the authorized time period. Clarified the DMV will issue licenses or ID cards for the duration of one year to non-citizen persons with indefinite authorized stay in the US.

Section 6: AS 28.15.111 – Amends subsection (a)

- (a) Removes requirement to display color photograph on licenses and ID cards. This allows DMV to move to the highest security cards available, where photos are etched onto the IDs to provide a more secure and better likeness of the customer.

Section 7: AS 28.15.271—Adds subsection (b)(4)

(b)(4) States the fee for a compliant license is an additional \$5

Section 8: AS 44.99.040(a)(2) – Repealed

Bill removed statutory prohibition on expenditure of state funds to become REAL ID compliant. Language to be repealed (highlighted):

Sec. 44.99.040. Limitation on use of assets. (a) A state or municipal agency may not use or authorize the use of an asset to implement or aid in the implementation of a requirement of

(1) an order of the President of the United States, a federal regulation, or a law enacted by the United States Congress that is applied to

(A) infringe on a person's right, under the Second Amendment to the Constitution of the United States, to keep and bear arms;

(B) deny a person a right to due process, or a protection of due process, that would otherwise be available to the person under the Constitution of the State of Alaska or the Constitution of the United States; or

(2) P.L. 109-13, Division B (REAL ID Act of 2005).

(b) In this section,

(1) "asset" means funds, facilities, equipment, services, or other resources of a state or municipal agency;

(2) "state or municipal agency" means the University of Alaska, the Alaska Aerospace Corporation, the Alaska Housing Finance Corporation, the Alaska Industrial Development and Export Authority, the Alaska Energy Authority, the Alaska Railroad Corporation, or a department, institution, board, commission, division, council, committee, authority, public corporation, school district, regional educational attendance area, or other administrative unit of a municipality or of the executive, judicial, or legislative branch of state government, and includes employees of those entities.