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Martin  
3/21/17

**CS FOR SENATE BILL NO. 34(STA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**THIRTIETH LEGISLATURE - FIRST SESSION**

**BY THE SENATE STATE AFFAIRS COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

**"An Act relating to the implementation of the federal REAL ID Act of 2005; relating to issuance of identification cards and driver's licenses; relating to data sharing by the Department of Administration; and providing for an effective date."**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**\* Section 1.** AS 18.65.310(a) is amended to read:

(a) Upon payment of a \$15 fee, the department shall issue a card identical to the motor vehicle operator's license provided for in AS 28.15.111, except that the card shall be of a different color and shall state in bold type letters across the face of it that it is for identification purposes only. **Upon request of a person and upon payment of an additional \$5 fee, the department may issue an identification card under this section that is federally compliant.**

**\* Sec. 2.** AS 18.65.310 is amended by adding new subsections to read:

(m) The department shall adopt regulations for the issuance of identification cards that are federally compliant.

(n) Nothing in this section or regulations adopted under this section requires a person to be issued an identification card that is federally compliant. A person must clearly request an identification card that is federally compliant. The state or a municipal government may not require a person to possess or use an identification card that is federally compliant.

(o) Under regulations adopted by the department, the department may issue to a person an identification card with a duration of less than eight years if the person is authorized to stay in the United States for less than eight years or if the period of authorized stay is indefinite. The department shall issue the identification card for the period of the authorized stay. If the period of authorized stay is indefinite, the department shall issue the identification card with a validity of one year.

(p) An identification card that is not federally compliant must be processed and created in this state.

(q) In this section, "federally compliant" means certified by the United States Department of Homeland Security to be in compliance with the requirements of P.L. 109-13, Division B (REAL ID Act of 2005), and meeting the standards of 6 C.F.R. Part 37, as amended.

\* **Sec. 3.** AS 28.05 is amended by adding a new section to read:

**Sec. 28.05.068. Prohibition on data sharing.** The department may not convey or distribute to or communicate with an entity or individual that is not a state agency or employee, or permit the conveyance or distribution to or communication with an entity or individual that is not a state agency or employee, any data beyond the data necessary for the department to administer driver's licensing under AS 28.15 or the data authorized under AS 28.10.505.

\* **Sec. 4.** AS 28.15.041 is amended by adding new subsections to read:

(d) The commissioner shall adopt regulations for the issuance of driver's licenses that are federally compliant.

(e) Nothing in this section or regulations adopted under this section requires a driver to be issued a driver's license that is federally compliant. A person must clearly request a driver's license that is federally compliant. The state or a municipal government may not require a person to possess or use a driver's license that is

federally compliant.

\* **Sec. 5.** AS 28.15.061(b) is amended to read:

(b) An application under (a) of this section must

(1) contain the applicant's full legal name, date and place of birth, sex, and mailing and residence addresses;

(2) state whether the applicant has been previously licensed in the past 10 years as a driver and, if so, when and by what jurisdiction;

(3) state whether any previous driver's license issued to the applicant has ever been suspended or revoked or whether an application for a driver's license has ever been refused and, if so, the date of and reason for the suspension, revocation, or refusal;

(4) contain the applicant's social security number; the requirement of this paragraph only applies to an applicant who has been issued a social security number; [AND]

(5) contain other information that the department may reasonably require to determine the applicant's identity, competency, and eligibility; and

(6) provide separate notices to the applicant regarding how data will be stored, where the driver's license will be printed, and other pertinent information regarding the application for a driver's license and a driver's license that is federally compliant.

\* **Sec. 6.** AS 28.15.101(a) is amended to read:

(a) Except as otherwise provided in this chapter, a driver's license expires on the licensee's birthday in the eighth [FIFTH] year following issuance of the license. A license may be renewed within one year of its expiration upon proper application, payment of the required fee, and except when a license is renewed under (c) of this section, successful completion of a test of the licensee's eyesight.

\* **Sec. 7.** AS 28.15.101(d) is amended to read:

(d) Under regulations adopted by the department, the department may issue to a person a driver's license with a duration of less than eight [FIVE] years if the person is authorized to stay in the United States for less than eight [FIVE] years or the period of authorized stay is indefinite. The department shall issue the license for the period of

the authorized stay. If the period of authorized stay is indefinite, the department shall issue the license with a validity of one year. [THE DEPARTMENT SHALL PROVIDE THAT A PERSON RECEIVING A LICENSE WITH A DURATION OF LESS THAN FIVE YEARS UNDER THIS SUBSECTION MAY RENEW THE LICENSE WITHOUT A RENEWAL FEE DURING A PERIOD OF UP TO FIVE YEARS AFTER FIRST ISSUANCE OF THE LICENSE.]

\* **Sec. 8.** AS 28.15.111(a) is amended to read:

(a) Upon successful completion of the application and all required examinations, and upon payment of the required fee, the department shall issue to every qualified applicant a driver's license indicating the type or general class of vehicles that the licensee may drive. The license must (1) display a distinguishing number assigned to the license; (2) display the licensee's full name, address, date of birth, brief physical description, and [COLOR] photograph; (3) display either a facsimile of the signature of the licensee or a space upon which the licensee must write the licensee's usual signature with pen and ink; (4) display **physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes** [A HOLOGRAPHIC SYMBOL INTENDED TO PREVENT ILLEGAL ALTERATION OR DUPLICATION]; (5) display, for a qualified applicant who is under 21 years of age, the words "UNDER 21"; and (6) to the extent the department is able, be designed to allow the electronic reading and electronic display of the information described under (2) of this subsection and the electronic reading and display and a physical display on the license that the person is restricted from purchasing alcoholic beverages under AS 04.16.160. **Upon request of a person and upon payment of an additional fee, the department may issue a driver's license that is federally compliant.** A license may not display the licensee's social security number and is not valid until signed by the licensee. If facilities are not available for the taking of the photograph required under this section, the department shall endorse on the license, the words "valid without photograph."

\* **Sec. 9.** AS 28.15.111 is amended by adding new subsections to read:

(d) For a driver's license that is not federally compliant, the department may not, unless authorized by the person,

(1) copy or retain any documents used to verify an applicant's identity, including passports, birth certificates, or social security cards;

(2) use image verification or facial recognition as part of the application process; or

(3) retain images of the applicant's face.

(e) A driver's license that is not federally compliant must be processed and created in this state.

\* **Sec. 10.** AS 28.15.271(b) is amended to read:

(b) In addition to the fees under (a) of this section,

(1) a person who renews a driver's license by mail shall pay a fee of \$1;

(2) a person who applies for a limited driver's license under AS 28.15.201 shall pay a fee of \$100; [AND]

(3) a person who applies for reinstatement of a driver's license under AS 28.15.211 shall pay a fee of

(A) \$100 if the person's driver's license has, within the 10 years preceding the application, been suspended, revoked, or limited under the provisions of this chapter, except as provided by (C) of this paragraph, only once;

(B) \$250 if the person's driver's license has, within the 10 years preceding the application, been suspended, revoked, or limited under the provisions of this chapter, except as provided by (D) of this paragraph, two or more times;

(C) \$200 if the person's driver's license has, within the 10 years preceding the application, been revoked under AS 28.35.030 or 28.35.032 only once; or

(D) \$500 if the person's driver's license has, within the 10 years preceding the application, been revoked under AS 28.35.030 or 28.35.032 two or more times; **and**

**(4) a person who requests a driver's license that is federally compliant shall pay a fee of \$10.**

1     \* **Sec. 11.** AS 28.90.990(a) is amended by adding a new paragraph to read:

2                     (32) "federally compliant" means certified by the United States  
3     Department of Homeland Security to be in compliance with the requirements of P.L.  
4     109-13, Division B (REAL ID Act of 2005), and meeting the standards of 6 C.F.R.  
5     Part 37, as amended.

6     \* **Sec. 12.** AS 44.99.040(a) is amended to read:

7                     (a) A state or municipal agency may not use or authorize the use of an asset to  
8     implement or aid in the implementation of a requirement of

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

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

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

16                     (2) P.L. 109-13, Division B (REAL ID Act of 2005), **other than the**  
17     **minimum assets necessary to satisfy the specific requirements of that Act for an**  
18     **agency to issue a driver's license or identification card that is acceptable to**  
19     **federal agencies for official purposes.**

20     \* **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to  
21     read:

22                     TRANSITION: REGULATIONS. The Department of Administration may adopt  
23     regulations necessary to implement the changes made by this Act. The regulations take effect  
24     under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law  
25     implemented by the regulations.

26     \* **Sec. 14.** This Act takes effect immediately under AS 01.10.070(c).