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Martin  
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**CS FOR HOUSE BILL NO. 74( )**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

**BY**

**Offered:  
Referred:**

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

**A BILL**

**FOR AN ACT ENTITLED**

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

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

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

6 (a) Upon payment of a \$15 fee, the department shall issue a card identical to  
7 the motor vehicle operator's license provided for in AS 28.15.111, except that the card  
8 shall be of a different color and shall state in bold type letters across the face of it that  
9 it is for identification purposes only. **Upon request of a person and upon payment**  
10 **of an additional \$10 fee, the department may issue an identification card under**  
11 **this section that is federally compliant.**

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

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

1 the department

2 (1) shall retain only the minimum number of identity source  
3 documents required by P.L. 109-13, Division B (REAL ID Act of 2005), and 6 C.F.R.  
4 Part 37, as amended;

5 (2) shall destroy, regularly and as close as practicable to the minimum  
6 amount of time required by P.L. 109-13, Division B (REAL ID Act of 2005), and 6  
7 C.F.R. Part 37, as amended,

8 (A) a digital image or paper copy of, or data or information  
9 related to, an identity source document;

10 (B) a paper copy of the application; and

11 (C) an image of the applicant's face, regardless of whether the  
12 applicant has applied for renewal of the identification card; and

13 (3) may not copy, scan, or retain in any form a document that is not an  
14 original or certified copy and that is presented to verify additional information about  
15 an applicant contained on the application, including the applicant's

16 (A) name;

17 (B) address of principal residence;

18 (C) social security number or proof of ineligibility for a social  
19 security number; or

20 (D) status of lawful presence in the United States.

21 (n) Nothing in this section or regulations adopted under this section requires a  
22 person to be issued an identification card that is federally compliant. The application  
23 must require that an applicant indicate that the applicant understands the options for  
24 identification cards available at the time of issuance and indicate the identification  
25 card that the applicant selects. An applicant must clearly request an identification card  
26 that is federally compliant to obtain one. The state or a municipal government may not  
27 require a person to possess or use an identification card that is federally compliant. For  
28 an identification card that is not federally compliant, the department

29 (1) shall retain an image of the face on the identification card for not  
30 more than one year after the expiration of the identification card; if an applicant does  
31 not receive an identification card, the department may not retain an image of the

1 applicant's face;

2 (2) may not copy, scan, or retain in any form a document that is not an  
3 original or certified copy and that is presented to verify additional information about  
4 an applicant contained on the application, including the applicant's

5 (A) name;

6 (B) address of principal residence; or

7 (C) social security number.

8 (o) The department shall provide public information about the differences  
9 between identification cards and identification cards that are federally compliant. The  
10 department shall also provide the information to applicants for new and renewal  
11 identification cards at the time of application. At a minimum, the information must  
12 include a description of

13 (1) each type of identification card;

14 (2) the storage and sharing process for an applicant's information for  
15 an identification card and an identification card that is federally compliant; and

16 (3) the official purpose and limitations on the use of each type of  
17 identification card, including the applicant's option to use identification other than an  
18 identification card that is federally compliant when entering specified federal property  
19 and flying on a federally regulated commercial aircraft.

20 (p) In this section,

21 (1) "federally compliant" means certified by the United States  
22 Department of Homeland Security to be in compliance with the requirements of P.L.  
23 109-13, Division B (REAL ID Act of 2005), and meeting the standards of 6 C.F.R.  
24 Part 37, as amended;

25 (2) "identity source document" means an original or certified copy of a  
26 document an applicant presents to the department to apply for an identification card  
27 that is federally compliant, as required by P.L. 109-13, Division B (REAL ID Act of  
28 2005), and 6 C.F.R. Part 37, as amended.

29 \* **Sec. 3.** AS 28.05.061(c) is amended to read:

30 (c) **Except as provided in AS 28.05.068, records** [RECORDS] maintained  
31 by the Department of Administration or the Department of Public Safety under this

1 title or regulations adopted under this title may be stored in any reasonable manner,  
2 including electronic data storage. The commissioner of each of those departments and  
3 officers and employees of those departments designated by the respective  
4 commissioner shall, upon request, prepare under the seal of the respective department  
5 and deliver, unless otherwise prohibited by law, a certified copy of any record of that  
6 department maintained under this title or regulations adopted under this title, charging  
7 a fee for each certified copy. A certified copy of the record stored under this section is  
8 admissible in an administrative proceeding or in a court in the same manner as the  
9 original document.

10 \* **Sec. 4.** AS 28.05 is amended by adding a new section to read:

11 **Sec. 28.05.068. Prohibition on data sharing.** (a) The department may not  
12 convey or distribute to or communicate with an entity or individual that is not a state  
13 agency or employee, or permit the conveyance or distribution to or communication  
14 with an entity or individual that is not a state agency or employee, any data except as  
15 authorized in this section.

16 (b) The department may convey, distribute, or communicate the data  
17 necessary for the department to administer drivers' licensing under this title except as  
18 restricted in (c) of this section.

19 (c) If the department conveys, distributes, or communicates data to be used in  
20 a database, index, pointer system, or any other system managed by an entity other than  
21 the department, including the American Association of Motor Vehicle Administrators,  
22 to comply with the requirements of sec. 202(d)(12) or (13), P.L. 109-13, Division B  
23 (REAL ID Act of 2005), the department may not convey, distribute, or communicate

- 24 (1) images of faces;  
25 (2) images of documents; or  
26 (3) images of signatures.

27 \* **Sec. 5.** AS 28.15.041 is amended by adding new subsections to read:

28 (d) The commissioner shall adopt regulations for the issuance of drivers'  
29 licenses that are federally compliant. For drivers' licenses that are federally compliant,  
30 the department

- 31 (1) shall retain only the minimum number of identity source

1 documents required by P.L. 109-13, Division B (REAL ID Act of 2005), and 6 C.F.R.  
2 Part 37, as amended;

3 (2) shall destroy, regularly and as close as practicable to the minimum  
4 amount of time required by P.L. 109-13, Division B (REAL ID Act of 2005), and 6  
5 C.F.R. Part 37, as amended,

6 (A) a digital image or paper copy of, or data or information  
7 related to, an identity source document;

8 (B) a paper copy of the application; and

9 (C) an image of the applicant's face, regardless of whether the  
10 applicant has applied for renewal of the identification card; and

11 (3) may not copy, scan, or retain in any form a document presented to  
12 verify additional information about an applicant contained on the application,  
13 including the applicant's

14 (A) name;

15 (B) address of principal residence;

16 (C) social security number or proof of ineligibility for a social  
17 security number; or

18 (D) status of lawful presence in the United States.

19 (e) Nothing in this section or regulations adopted under this section requires a  
20 driver to be issued a driver's license that is federally compliant. The application must  
21 require that an applicant indicate that the applicant understands the options for drivers'  
22 licenses available at the time of issuance and indicate the driver's license that the  
23 applicant selects. An applicant must clearly request a driver's license that is federally  
24 compliant to obtain one. The state or a municipal government may not require a  
25 person to possess or use a driver's license that is federally compliant. For a driver's  
26 license that is not federally compliant, the department

27 (1) shall retain an image of the face on the license for not more than  
28 one year after the expiration of the license; if an applicant does not receive a driver's  
29 license, the department may not retain an image of the applicant's face;

30 (2) may not copy, scan, or retain in any form a document that is not an  
31 original or certified copy presented to verify additional information about an applicant

1 contained on the application, including the applicant's

2 (A) name;

3 (B) address or principal residence; or

4 (C) social security number.

5 (f) The department shall provide public information about the differences  
6 between drivers' licenses and drivers' licenses that are federally compliant. The  
7 department shall also provide the information to applicants for new and renewal  
8 drivers' licenses at the time of application. At a minimum, the information must  
9 include a description of

10 (1) each type of driver's license;

11 (2) the storage and sharing process for an applicant's information for a  
12 driver's license and a driver's license that is federally compliant; and

13 (3) the official purpose and limitations on use of each type of driver's  
14 license, including an applicant's option to use identification other than a driver's  
15 license that is federally compliant when entering specified federal property and flying  
16 on a federally regulated commercial aircraft.

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

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

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

24 (d) Under regulations adopted by the department, the department may issue to  
25 a person a driver's license **that is federally compliant or state identification card**  
26 **that is federally compliant** with a duration of less than **eight** [FIVE] years if the  
27 person is authorized to stay in the United States for less than **eight** [FIVE] years or the  
28 period of authorized stay is indefinite. The department shall issue the license **that is**  
29 **federally compliant** for the period of the authorized stay. If the period of authorized  
30 stay is indefinite, the department shall issue the license **that is federally compliant**  
31 with a validity of one year. [THE DEPARTMENT SHALL PROVIDE THAT A

1 PERSON RECEIVING A LICENSE WITH A DURATION OF LESS THAN FIVE  
2 YEARS UNDER THIS SUBSECTION MAY RENEW THE LICENSE WITHOUT A  
3 RENEWAL FEE DURING A PERIOD OF UP TO FIVE YEARS AFTER FIRST  
4 ISSUANCE OF THE LICENSE.]

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

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

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

27 (d) The department may not engage in bulk sharing of facial images captured  
28 as a result of an application for a driver's license with a database, other than a database  
29 established by the state, regardless of whether the applicant applied for a driver's  
30 license that is federally compliant or a driver's license that is not federally compliant.  
31 The prohibition in this subsection does not apply to a commercial driver's license.

(e) A commercial driver's license must be federally compliant.

\* **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;

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

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

(32) "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;

(33) "identity source document" means an original or certified copy of



1 a document an applicant presents to the department to apply for a driver's license that  
2 is federally compliant, as required by P.L. 109-13, Division B (REAL ID Act of  
3 2005), and 6 C.F.R. Part 37, as amended.

4 \* **Sec. 12.** AS 44.99.040(a)(2) is repealed.

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

7 TRANSITIONAL PROVISIONS: REGULATIONS. The Department of  
8 Administration may adopt regulations necessary to implement the changes made by this Act.  
9 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the  
10 effective date of the law implemented by the regulation.

11 \* **Sec. 14.** Sections 12 and 13 of this Act take effect immediately under AS 01.10.070(c).

12 \* **Sec. 15.** Except as provided in sec. 14 of this Act, this Act takes effect January 1, 2019.