



CS HB 74 (STA) Sectional Analysis

Section 1: AS 18.65.310 – Amends subsection (a)

- (a) Sets fee for compliant identification card (ID). The current \$15 fee remains in place for non-compliant ID; compliant ID cost an additional \$20.

Section 2: AS 18.65.310(b) – Amends subsection (b)

- (b) Requires the Department of Administration (DOA) to require applicants to indicate on the application form that they understand their choice of a compliant or a non-compliant ID.

Section 3: AS 18.65.310 – Adds new section (m) and several subsections under it

(m) Allows for the creation of regulations for the issuance of ID that meets DHS requirements for REAL ID compliance.

(m)(1) Directs DOA to retain only those scanned documents necessary to meet requirements of federal and state law.

(m)(2) Directs DOA to destroy scanned documents once minimal retention periods set forth by federal and state law have been met.

(n) Clarifies that DOA will still issue noncompliant ID, giving Alaskans a choice. Also clarifies that all state and municipal governments shall treat noncompliant IDs the same as complaint IDs. Prohibits state or municipal governments from requiring people to obtain federally compliant ID.

(n)(1) Prohibits DOA from retaining images of applicants who obtain non-compliant ID for more than one year past expiration of ID.

(n)(2) DOA from retaining documents in any form for non-compliant IDs.

(o) Allows DOA to issue IDs for a period of eight years and allows DOA to issue IDs for up to eight years to persons whose lawful authorized stay is indefinite.

(p) Requires DOA to provide public information on the types of ID available, how DOA stores and shares information provided, purpose and limitations of each type, and alternatives to using an ID that is federally compliant.

(q) Defines “identification card that is federally compliant” to mean ID issued by the State, as opposed to federal identification such as passports

Section 4: AS 28.05.068 – Adds new sections (a) – (d)

- (a) States DOA may not share data with an entity such as AAMVA unless that data is necessary to be certified as in compliance with DHS requirements.
- (b) Directs DOA to work with AAMVA to remove the requirement to convey social security numbers from the federally compliant verifications system requirements.
- (c) Further directs DOA to work with DHS, other states, and “multi-state entities” find a solution for compliance that does not involve the storage or sharing of social security numbers.

Section 5: AS 28.15.041 – Adds new subsections

- (d) Allows for the creation of regulations for the issuance of driver’s licenses (DL) that that meet DHS requirements for REAL ID compliance.
 - (d)(1) Directs DOA to continue their practice of retaining only those scanned documents necessary to meet requirements of federal and state law.
 - (d)(2) Directs DOA to destroy scanned documents once minimal retention periods set forth by federal and state law have been met.
- (e) Clarifies that DOA will still issue noncompliant DLs, giving Alaskans a choice. Also clarifies that all state and municipal governments shall treat the noncompliant DLs the same as a complaint DL. Prohibits state or municipal governments from requiring people to obtain a federally compliant DL.
 - (e)(1) Prohibits DOA from retaining images of applicants who obtain non-compliant DLs for more than one year past expiration of DL.
 - (e)(2) Prohibits DOA from retaining documents in any form for non-compliant DLs.
- (f) Requires DOA to provide public information on the types of DLs available, how DMV stores and shares information provided, purpose and limitations of each card, and alternatives to using a DL that is federally compliant.

Section 6: AS 28.15.061(b) – Adds new subsection (b)(6)

- (b)(6) Requires DOA to require applicants to indicate on the application form that they understand their choice of a compliant or a non-compliant DL.

Section 7: AS 28.15.101 – Amends subsection (a)

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

Section 8: AS 28.15,101 – Amends subsection (d)

- (d) Allows DOA to issue DLs for up to eight years to persons whose lawful authorized stay is indefinite.

Section 9: AS 28.15.111 – Amends subsection (a)

- (a) Removes requirement to display color photograph on licenses and ID cards. This allows DOA 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 10: AS 28.15.111 – Adds new subsections

- (d) Prohibits DOA from engaging in bulk sharing of photos taken during the application process of ID/DL
- (e) Specifies that commercial driver’s licenses must adhere to federal requirements.

Section 11: AS 28.15.271—Adds subsection (b)(4)

- (b)(4) Sets fee for compliant DL. The current \$20 fee remains in place for non-compliant DLs; compliant DLs cost an additional \$20.

Section 12: Defines “driver’s license that is federally compliant” to mean cards issued by the State.

Section 13: AS 44.99.040(a)(2) – Repealed

CS 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.

Section 14: AS 28.05.068(d) – Repealed June 30, 2021

CS adds new subsection (d) requiring DOA to submit annual reports to the Legislature on efforts regarding the use of social security numbers for identity verification. The requirement sunsets in five years.

Section 15: Uncodified law – Adds new section

Provides for adoption of regulations by January 1, 2019.

Section 16: Effective date – immediate for repeal of AS 44.99.040(a)(2) and DOA work on regulations.

Section 17: Effective date – delayed until January 1, 2019 for remaining sections.