

**Proposed Amendments to Senate Bill 34 Version O  
(CS 30-GS1781\O) from the ACLU of Alaska**

**\* Amendment 1.** AS 18.65.310(m) *et seq.* should be amended to read:

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

**(1) With respect to identity source documents,**

**(i) the department shall retain only the minimum number of identity source documents required by the REAL ID Act of 2005; and**

**(ii) the department shall destroy digital images, paper copies, and other data or information related to identity source documents regularly and as close as practicable to the minimum amount of time required by the REAL ID Act of 2005 or 6 C.F.R. part 37.**

**(2) With respect to other documents,**

**(i) the department shall retain an applicant's original application, which may not be copied or scanned;**

**(ii) the department may not copy, scan, or retain in any form documents presented in order to verify additional information about an applicant contained on the application, including to verify the applicant's name, principal residence, social security number, proof of the applicant's ineligibility for a social security number, or status of lawful presence in the United States;**

**(iii) the department shall destroy paper copies of an application and other data or information regularly and as close as practicable to the minimum amount of time required by the REAL ID Act of 2005 or 6 C.F.R. part 37.**

**(3) The department shall destroy images of applicants' faces, even if they do not receive an identification card regularly and as close as practicable to the minimum amount of time required by the REAL ID Act of 2005 or 6 C.F.R. part 37.**

(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 in order to obtain one. The state or a municipal government may not require a person to possess or use an identification card that is federally compliant. For cards that are not federally compliant:

(1) With respect to the application,

(i) the department shall retain an applicant's original application, which may not be copied or scanned; and

(ii) the department shall destroy the application after seven years.

(2) Except for the application, the department may not copy, scan, or retain in any form any other documents presented.

(3) The department shall retain images of the faces of noncompliant identity cardholders for no more than one year after the expiration of the card. If an individual does not receive an identity card, the department may not retain images of applicants' faces.

(4) The department shall accept proof of a valid Individual Taxpayer Identification Number, issued by the Internal Revenue Service, U.S. Department of the Treasury, in lieu of proof of a valid social security number from an applicant who attests they do not have a social security number.

(o) The department shall develop regulations for providing public information on federally compliant and noncompliant identification card options and shall ensure the availability of this information to identification card applicants. This information shall be provided to new and renewing applicants at the time they apply. Renewal notifications mailed to identification card holders shall include this information in writing and may include a web site address also containing this information. The summary information shall, at a minimum, identify:

(1) each available type of identification card, including federally compliant and noncompliant identification cards;

(2) the official purpose of and limitations on the use of each type of identification card, including but not limited to the different costs, length of validation, the different storage and sharing of an applicant's documents and information, and the ability for an applicant to use other identification in lieu of a federally compliant identification card

when entering specified federal property and flying on federally-regulated commercial aircraft; and

(3) an applicant for any identification card shall sign an acknowledgment that the applicant understands the options made available at the time of issuance and which option the applicant selects.

[(o)] **(p)** Under regulations adopted by the department, the department may issue to a person a federally compliant 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 federally compliant identification card for the period of authorized stay. If the period of authorized stay is indefinite, the department shall issue identification cards with a validity of one year.

[(p)] **(q)** An identification card that is not federally compliant must be processed and created in this state. The department may not request documentation of authorized stay for noncompliant cards.

[(q)] **(r)** 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.

(s) In this section, “identity source documents” means original or certified copies (where applicable) of documents presented by an applicant as required under the regulations in 6 C.F.R. Part 37, as amended to the department to apply for an identity card.

\* **Amend. 2.** AS 28.15.041(d) *et seq.* should be amended to read:

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

(1) With respect to identity source documents,

(i) the department shall retain only the minimum number of identity source documents required by the REAL ID Act of 2005; and

(ii) the department shall destroy digital images, paper copies, and other data or information related to identity source documents regularly and as close as practicable to the minimum

amount of time required by the REAL ID Act of 2005 or 6 C.F.R. part 37.

**(2) With respect to other documents,**

**(i) the department shall retain an applicant's original application, which may not be copied or scanned;**

**(ii) the department may not copy, scan, or retain in any form documents presented in order to verify additional information about an applicant contained on the application, including to verify the applicant's name, principal residence, social security number, proof of the applicant's ineligibility for a social security number, or status of lawful presence in the United States;**

**(iii) the department may not inquire into an applicant's place of birth;**

**(iv) the department shall destroy paper copies of an application and other data or information regularly and as close as practicable to the minimum amount of time required by the REAL ID Act of 2005 or 6 C.F.R. part 37.**

**(3) The department shall destroy images of applicants' faces, even if they do not receive a driver's license regularly and as close as practicable to the minimum amount of time required by the REAL ID Act of 2005 or 6 C.F.R. part 37.**

**(4) The department shall destroy digital images, paper copies, and other data or information related to identity source documents regularly and as close as practicable to the minimum amount of time required by the REAL ID Act of 2005 or 6 C.F.R. part 37.**

(e) Nothing in this section or regulations adopted under this section requires a person 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.

**(f) The department shall develop regulations for providing public information on federally compliant and noncompliant driver's license options and shall ensure the availability of this information to driver's license applicants. This information shall be provided to new and renewing applicants at the time they apply. Renewal notifications mailed to driver's licensees shall include this information in writing and may include a web site**

address also containing this information. The summary information shall, at a minimum, identify:

(1) each available type of driver's license, including federally compliant and noncompliant driver's licenses;

(2) the official purpose of and limitations on use for each type of driver's license, including but not limited to the different costs, length of validation, the different storage and sharing of an applicant's documents and information, and the ability for an applicant to use other identification in lieu of a federally compliant driver's license when entering specified federal property and flying on federally-regulated commercial aircraft; and

(3) an applicant for any driver's license shall sign an acknowledgment that the applicant understands the options made available at the time of issuance and which option the applicant selects.

(g) 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.

(h) In this section, "identity source documents" means original or certified copies (where applicable) of documents presented by an applicant as required under the regulations in 6 C.F.R. Part 37, as amended to the department to apply for a driver's license.

**\* Amend. 3.** AS 28.05.068 should be amended to read:

**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 an an Alaska state agency or employee, or permit the conveyance or distribution to or communication with an entity or individual that is not an an Alaska state agency or employee, any data [BEYOND] except:

(a) the data necessary for the department to administer driver's licensing under AS 28.15 or the data authorized under AS 28.10.505;

(b) with respect to federally compliant drivers licenses or identification cards, if any database, index, pointer system, or other system is designated to comply with the requirements of Section 202(d)(12)–(13) of the REAL ID Act of 2005, only;

(1) the following information contained in the data fields printed on each driver's license or identification card:

(i) full legal name;

(ii) date of birth;

(iii) gender;

(iv) driver's license or identification card number;

(v) address of principle residence; and

(2) motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

(c) The department may not include in any such system as described in subsection (b) or in any index designated for locating records in the system designated to comply with the requirements of Section 202(d)(12)–(13) of the REAL ID Act of 2005:

(1) images of faces;

(2) images of documents;

(3) images of signatures; or

(4) social security numbers, in whole or in part.

(d) With respect to noncompliant driver's licenses and identification cards, the department may not include any information in any such a system as described in (b) or in any index designated for locating records in the system designated to comply with the requirements of Section 202(d)(12)–(13) of the REAL ID Act of 2005.

\* **Amend. 4.** AS 28.05.061(c) should be amended to read:

(c) **Unless otherwise provided,** r[R]ecords maintained by the Department of Administration or the Department of Public Safety under this title or regulations adopted under this title may be stored in any reasonable manner, including electronic data storage. . . .

**\* Amend. 5.** AS 28.15.101 should be amended to read:

(a) Except as otherwise provided in this chapter, a driver's license expires on the licensee's birthday in the 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.

(b) The department may defer the expiration of the driver's license of a person who is outside the state under terms and conditions that the department shall prescribe by regulation.

(c) A driver's license may be renewed by mail or on the department's Internet website if the licensee complies with (a) of this section, except that a license may not be renewed by mail or on the department's Internet website if

(1) the most recent renewal of the applicant's license was by mail or on the department's Internet website; or

(2) the applicant is 69 years of age or older on the expiration date of the driver's license being renewed.

[ (D) UNDER REGULATIONS ADOPTED BY THE DEPARTMENT, THE DEPARTMENT MAY ISSUE TO A PERSON A DRIVER'S LICENSE WITH A DURATION OF LESS THAN FIVE YEARS IF THE PERSON IS AUTHORIZED TO STAY IN THE UNITED STATES FOR LESS THAN 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.]