

LEGAL SERVICES

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MEMORANDUM

January 22, 2020

SUBJECT: Real ID (Work Order No. 31-LS1262\M)

TO: Senator Mia Costello
Attn: Tom Wright

FROM: Claire E. Radford
Legislative Counsel



The attached bill adds a new section amending AS 18.65.310, to require numeric characters that are in the applicant's legal name to appear on state identification cards in addition to state driver's licenses. As we have previously advised by phone, the addition of this requirement for a state identification card is unnecessary because AS 18.65.310(a) requires an identification card to be identical to a driver's license under AS 28.15.111.¹

You also requested that the REAL ID federal Act be amended to require the use of numeric characters that are in the applicant's legal name. The state legislature has no authority over federal law requirements. As discussed in the memorandum to your office dated November 27, 2019, the use of numeric characters in names may not comply with the REAL ID Act. If a state law requirement to add numeric characters to state identification cards and drivers' licenses conflicts with federal identification requirements, the cards and licenses could not be used when a REAL ID card is federally required.

If I may be of further assistance, please advise.

CER:mjt
20-027.mjt

Attachment

¹ AS 18.65.310(a) requires an identical card to a driver's license, 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."