

HOUSE BILL NO. 255

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE GATTO

Introduced: 1/19/10

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to enhanced identification cards and enhanced drivers' licenses; and**
2 **providing for an effective date."**

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

4 *** Section 1.** AS 18.65 is amended by adding a new section to read:

5 **Sec. 18.65.325. Enhanced identification cards; agreement with federal**
6 **government for issuance authorized.** (a) The department may enter into a
7 memorandum of understanding with a federal agency for the purpose of obtaining
8 approval of an enhanced identification card as proof of identity and citizenship for
9 persons entering the United States at land and sea ports of entry.

10 (b) If the department obtains the approval of a federal agency as provided in
11 (a) of this section, the department may issue an enhanced identification card to an
12 applicant who provides to the department in a manner prescribed by the department

13 (1) a completed application with the information required for an
14 identification card under AS 18.65.310 and any additional information required by the

1 federal agency in the agreement entered into under (a) of this section;

2 (2) documentation demonstrating the applicant's United States
3 citizenship;

4 (3) the applicant's signed certification that the information presented
5 by the applicant is true and correct to the best of the applicant's knowledge;

6 (4) the fee required for an identification card under AS 18.65.310, plus
7 \$25.

8 (c) An applicant who applies for an enhanced identification card shall have the
9 applicant's facial image and signature captured or reproduced by the department at the
10 time of application. The applicant's facial image or signature may be made available
11 by the state and used as follows:

12 (1) by a federal, state, or local government agency for any law
13 enforcement purpose authorized by law;

14 (2) by another state, to the extent required by federal law;

15 (3) by the department for any purpose specifically authorized by law;

16 (4) for any other purpose as determined by the department, if the
17 applicant provides written authorization for the release of the applicant's own facial
18 image or signature; and

19 (5) as otherwise required by law.

20 (d) The enhanced identification card may include radio frequency
21 identification technology that is limited to a randomly assigned number that shall be
22 encrypted if agreed to by the United States Department of Homeland Security and that
23 does not include biometric data. The department shall ensure that the radio frequency
24 identification technology is secure from unauthorized data access and includes
25 reasonable security measures to protect against unauthorized disclosure of personal
26 information contained in the enhanced identification card.

27 (e) An applicant shall be required to sign a declaration acknowledging the
28 applicant's understanding of the radio frequency identification technology before
29 being issued an enhanced identification card.

30 (f) The department may include other conditions and requirements for the
31 issuance and expiration of an enhanced identification card if those conditions and

1 requirements are required by the federal agency in the memorandum of understanding.

2 (g) The requirements of this section are in addition to the requirements
3 otherwise imposed on an individual who applies for an identification card. An
4 enhanced identification card issued under this section is not a separate form of
5 identification card but merely an alternate form of the appropriate identification card
6 that is issued to the applicant. All provisions of this chapter relating to identification
7 cards apply to enhanced identification cards.

8 (h) Application for an enhanced identification card is voluntary.

9 (i) The department shall adopt regulations to implement this section.

10 * **Sec. 2.** AS 28.15 is amended by adding a new section to read:

11 **Sec. 28.15.043. Enhanced drivers' licenses; agreement with federal**
12 **government for issuance authorized.** (a) The commissioner may enter into a
13 memorandum of understanding with a federal agency for the purpose of obtaining
14 approval of an enhanced driver's license as proof of identity and citizenship for
15 persons entering the United States at land and sea ports of entry.

16 (b) If the commissioner obtains the approval of a federal agency as provided
17 in (a) of this section, the commissioner may issue an enhanced driver's license to an
18 applicant who provides to the commissioner in a manner prescribed by the
19 commissioner

20 (1) a completed application with the information required for the
21 issuance of a driver's license under this chapter and any additional information
22 required by the federal agency in the agreement entered into under (a) of this section;

23 (2) documentation demonstrating the applicant's United States
24 citizenship;

25 (3) the applicant's signed certification that the information presented
26 by the applicant is true and correct to the best of the applicant's knowledge;

27 (4) the fee required for a driver's license under AS 28.15.271, plus \$25.

28 (c) An applicant who applies for an enhanced driver's license shall have the
29 applicant's facial image and signature captured or reproduced by the commissioner at
30 the time of application. The applicant's facial image or signature may be made
31 available by the state and used as follows:

1 (1) by a federal, state, or local government agency for any law
2 enforcement purpose authorized by law;

3 (2) by another state, to the extent required by federal law;

4 (3) by the commissioner for any purpose specifically authorized by
5 law;

6 (4) for any other purpose as determined by the commissioner, if an
7 applicant provides authorization for the release of the applicant's own facial image or
8 signature; and

9 (5) as otherwise required by law.

10 (d) The enhanced driver's license may include radio frequency identification
11 technology that is limited to a randomly assigned number that shall be encrypted if
12 agreed to by the United States Department of Homeland Security and that does not
13 include biometric data. The commissioner shall ensure that the radio frequency
14 identification technology is secure from unauthorized data access and includes
15 reasonable security measures to protect against unauthorized disclosure of personal
16 information contained in the enhanced driver's license.

17 (e) An applicant shall be required to sign a declaration acknowledging the
18 applicant's understanding of the radio frequency identification technology before
19 being issued an enhanced driver's license.

20 (f) The commissioner may include other conditions and requirements for the
21 issuance and expiration of an enhanced driver's license if those conditions and
22 requirements are required by the federal agency in the memorandum of understanding.

23 (g) The requirements of this section are in addition to the requirements
24 otherwise imposed on an individual who applies for a driver's license. An enhanced
25 driver's license issued under this section is not a separate form of driver's license but
26 merely an alternate form of the appropriate driver's license that is issued to the
27 applicant. All provisions of this title relating to drivers' licenses apply to enhanced
28 drivers' licenses.

29 (h) Application for an enhanced driver's license is voluntary.

30 (i) The commissioner shall adopt regulations to implement this section.

31 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).