

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered: 4/12/17**

**Referred: Finance**

**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 \$20 fee, the department may issue an identification card under**  
11 **this section that is federally compliant.**

12 \* **Sec. 2.** AS 18.65.310(b) is amended to read:

13 (b) A person may obtain an identification card provided for in (a) of this  
14 section by applying to the department on forms and in the manner prescribed by the

1 department. **The department shall include on the application for an identification**  
 2 **card a requirement that the applicant indicate**

3 **(1) that the applicant understands the options for identification**  
 4 **cards available at the time of issuance; and**

5 **(2) the type of identification card that the applicant selects.**

6 \* **Sec. 3.** AS 18.65.310 is amended by adding new subsections to read:

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

10 (1) shall copy, scan, or retain only the minimum number of documents  
 11 required by P.L. 109-13, Division B (REAL ID Act of 2005), or other applicable state  
 12 or federal law, for issuance of an identification card that is federally compliant;

13 (2) shall destroy, regularly and as close as practicable to the minimum  
 14 amount of time required by P.L. 109-13, Division B (REAL ID Act of 2005), or other  
 15 applicable state or federal law, any documents retained under (1) of this subsection;  
 16 and

17 (3) may not copy, scan, or retain in any form a document that is not  
 18 required to be retained under (1) of this subsection.

19 (n) The department shall continue to issue identification cards that are not  
 20 federally compliant. Nothing in this section or regulations adopted under this section  
 21 requires a person to be issued an identification card that is federally compliant. An  
 22 applicant must clearly request an identification card that is federally compliant to  
 23 obtain one. The state or a municipal government may not require a person to possess  
 24 or use an identification card that is federally compliant. The state or a municipal  
 25 government shall treat an identification card that is not federally compliant the same as  
 26 an identification card that is federally compliant. For an identification card that is not  
 27 federally compliant, the department

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

1                   (2) may not copy, scan, or retain in any form a document other than the  
2 application.

3                   (o) An identification card expires on the person's birthday in the eighth year  
4 following issuance of the identification card. An identification card may be renewed  
5 within one year of its expiration upon proper application and payment of the required  
6 fee. An identification card may be renewed by mail or on the department's Internet  
7 website, except that an identification card may not be renewed by mail or on the  
8 department's Internet website if the most recent renewal of the applicant's  
9 identification card was by mail or on the department's Internet website. Under  
10 regulations adopted by the department, the department may issue to a person an  
11 identification card with a duration of less than eight years if the person is authorized to  
12 stay in the United States for less than eight years or if the period of authorized stay is  
13 indefinite. The department shall issue the identification card for the period of the  
14 authorized stay. If the period of authorized stay is indefinite, the department shall issue  
15 the identification card with a validity of up to eight years.

16                  (p) The department shall provide public information about the differences  
17 between identification cards and identification cards that are federally compliant. The  
18 department shall also provide the information to applicants for new and renewal  
19 identification cards at the time of application. At a minimum, the information must  
20 include a description of

21                         (1) each type of identification card;

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

24                         (3) the official purpose and limitations on the use of each type of  
25 identification card, including a description of the purposes for which an identification  
26 card that is federally compliant may be required and a description of alternatives to  
27 using an identification card that is federally compliant to serve those purposes.

28                  (q) In this section, "identification card that is federally compliant" means an  
29 identification card issued by the state that has been certified by the United States  
30 Department of Homeland Security to be in compliance with the requirements of P.L.  
31 109-13, Division B (REAL ID Act of 2005).

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

2           **Sec. 28.05.068. Prohibition on data sharing.** (a) If the department conveys,  
3 distributes, or communicates data to be used in a database, index, pointer system, or  
4 any other system managed by an entity other than the department, including the  
5 American Association of Motor Vehicle Administrators, to comply with the  
6 requirements of P.L. 109-13, Division B (REAL ID Act of 2005), the department may  
7 not convey, distribute, or communicate to that entity any data not required to be  
8 conveyed, distributed, or communicated for the state to be certified by the United  
9 States Department of Homeland Security to be in compliance with the requirements of  
10 P.L. 109-13, Division B (REAL ID Act of 2005).

11           (b) The department shall take all steps necessary to obtain from the entity an  
12 agreement that the state need not convey, distribute, or communicate social security  
13 numbers, in whole or in part, to participate in the database, index, pointer system, or  
14 other system.

15           (c) The department shall take all steps available to work with other states, the  
16 United States Department of Homeland Security, and any multistate entities in which  
17 the state participates to secure a means of compliance with P.L. 109-13, Division B  
18 (REAL ID Act of 2005), including through an interstate compact, that does not  
19 involve the storage or sharing of social security numbers, in whole or in part, with an  
20 interstate database, index, pointer system, or other system.

21           (d) The department shall submit an annual report on the results of the efforts  
22 required under (b) and (c) of this section to the senate secretary and chief clerk of the  
23 house of representatives on or before January 31 of each year and notify the legislature  
24 that the report is available.

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

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

29                   (1) shall copy, scan, or retain only the minimum number of documents  
30 required by P.L. 109-13, Division B (REAL ID Act of 2005), or other applicable state  
31 or federal law, for issuance of a driver's license that is federally compliant;

1 (2) shall destroy, regularly and as close as practicable to the minimum  
 2 amount of time required by P.L. 109-13, Division B (REAL ID Act of 2005), or other  
 3 applicable state or federal law, any documents retained under (1) of this subsection;  
 4 and

5 (3) may not copy, scan, or retain in any form a document that is not  
 6 required to be retained under (1) of this subsection.

7 (e) The department shall continue to issue drivers' licenses that are not  
 8 federally compliant. Nothing in this section or regulations adopted under this section  
 9 requires a driver to be issued a driver's license that is federally compliant. An  
 10 applicant must clearly request a driver's license that is federally compliant to obtain  
 11 one. The state or a municipal government may not require a person to possess or use a  
 12 driver's license that is federally compliant. The state or a municipal government shall  
 13 treat a driver's license that is not federally compliant the same as a driver's license that  
 14 is federally compliant. For a driver's license that is not federally compliant, the  
 15 department

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

19 (2) may not copy, scan, or retain in any form a document other than the  
 20 application.

21 (f) The department shall provide public information about the differences  
 22 between drivers' licenses and drivers' licenses that are federally compliant. The  
 23 department shall also provide the information to applicants for new and renewal  
 24 drivers' licenses at the time of application. At a minimum, the information must  
 25 include a description of

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

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

29 (3) the official purpose and limitations on use of each type of driver's  
 30 license, including a description of the purposes for which a driver's license that is  
 31 federally compliant may be required and a description of alternatives to using a

1 driver's license that is federally compliant to serve those purposes.

2 \* **Sec. 6.** AS 28.15.061(b) is amended to read:

3 (b) An application under (a) of this section must

4 (1) contain the applicant's full legal name, date and place of birth, sex,  
5 and mailing and residence addresses;

6 (2) state whether the applicant has been previously licensed in the past  
7 10 years as a driver and, if so, when and by what jurisdiction;

8 (3) state whether any previous driver's license issued to the applicant  
9 has ever been suspended or revoked or whether an application for a driver's license has  
10 ever been refused and, if so, the date of and reason for the suspension, revocation, or  
11 refusal;

12 (4) contain the applicant's social security number; the requirement of  
13 this paragraph only applies to an applicant who has been issued a social security  
14 number; [AND]

15 (5) contain other information that the department may reasonably  
16 require to determine the applicant's identity, competency, and eligibility; **and**

17 **(6) require that the applicant indicate**

18 **(A) that the applicant understands the options for drivers'**

19 **licenses available at the time of issuance; and**

20 **(B) the type of driver's license that the applicant selects.**

21 \* **Sec. 7.** AS 28.15.101(a) is amended to read:

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

27 \* **Sec. 8.** AS 28.15.101(d) is amended to read:

28 (d) Under regulations adopted by the department, the department may issue to  
29 a person a driver's license with a duration of less than **eight** [FIVE] years if the person  
30 is authorized to stay in the United States for less than **eight** [FIVE] years or the period  
31 of authorized stay is indefinite. The department shall issue the license for the period of

1 the authorized stay. If the period of authorized stay is indefinite, the department shall  
 2 issue the license with a validity of **up to eight years** [ONE YEAR. THE  
 3 DEPARTMENT SHALL PROVIDE THAT A PERSON RECEIVING A LICENSE  
 4 WITH A DURATION OF LESS THAN FIVE YEARS UNDER THIS SUBSECTION  
 5 MAY RENEW THE LICENSE WITHOUT A RENEWAL FEE DURING A PERIOD  
 6 OF UP TO FIVE YEARS AFTER FIRST ISSUANCE OF THE LICENSE].

7 \* **Sec. 9.** AS 28.15.111(a) is amended to read:

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

28 \* **Sec. 10.** AS 28.15.111 is amended by adding new subsections to read:

29 (d) The department may not engage in bulk sharing of facial images captured  
 30 as a result of an application for a driver's license with a database, other than a database  
 31 established by the state, regardless of whether the applicant applied for a driver's

1 license that is federally compliant or a driver's license that is not federally compliant.

2 The prohibition in this subsection does not apply to a commercial driver's license.

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

4 \* **Sec. 11.** AS 28.15.271(b) is amended to read:

5 (b) In addition to the fees under (a) of this section,

6 (1) a person who renews a driver's license by mail shall pay a fee of  
7 \$1;

8 (2) a person who applies for a limited driver's license under  
9 AS 28.15.201 shall pay a fee of \$100; and

10 (3) a person who applies for reinstatement of a driver's license under  
11 AS 28.15.211 shall pay a fee of

12 (A) \$100 if the person's driver's license has, within the 10 years  
13 preceding the application, been suspended, revoked, or limited under the  
14 provisions of this chapter, except as provided by (C) of this paragraph, only  
15 once;

16 (B) \$250 if the person's driver's license has, within the 10 years  
17 preceding the application, been suspended, revoked, or limited under the  
18 provisions of this chapter, except as provided by (D) of this paragraph, two or  
19 more times;

20 (C) \$200 if the person's driver's license has, within the 10 years  
21 preceding the application, been revoked under AS 28.35.030 or 28.35.032 only  
22 once; or

23 (D) \$500 if the person's driver's license has, within the 10 years  
24 preceding the application, been revoked under AS 28.35.030 or 28.35.032 two  
25 or more times;

26 **(4) a person who applies for a driver's license that is federally**  
27 **compliant shall pay a fee of \$20.**

28 \* **Sec. 12.** AS 28.90.990(a) is amended by adding a new paragraph to read:

29 (32) "driver's license that is federally compliant" means a driver's  
30 license issued by the state that has been certified by the United States Department of  
31 Homeland Security to be in compliance with the requirements of P.L. 109-13,

1 Division B (REAL ID Act of 2005).

2 \* **Sec. 13.** AS 44.99.040(a)(2) is repealed.

3 \* **Sec. 14.** AS 28.05.068(d) is repealed June 30, 2021.

4 \* **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to  
5 read:

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

10 \* **Sec. 16.** Sections 13 and 15 of this Act take effect immediately under AS 01.10.070(c).

11 \* **Sec. 17.** Except as provided in sec. 16 of this Act, this Act takes effect January 1, 2019.