

HB

110

22-LS0453F
Ford
3/15/01

CS FOR HOUSE BILL NO. 110(JUD)

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

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES COGHILL, Dyson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to driver's licenses and instructional permits; and providing for an
2 effective date."

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

4 * **Section 1.** AS 28.15.061(b) is amended to read:

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

6 (1) contain the applicant's full name, [SOCIAL SECURITY
7 NUMBER,] date and place of birth, sex, and mailing and residence addresses;

8 (2) state whether the applicant has been previously licensed as a driver
9 and, if so, when and by what jurisdiction;

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

14 (4) contain the applicant's social security number; the requirement

1 of this paragraph only applies to an applicant who has been issued a social
2 security number; and

3 (5) contain other information that the department may reasonably
4 require to determine the applicant's identity, competency, and eligibility.

5 * Sec. 2. AS 28.15.111(a) is amended to read:

6 (a) Upon successful completion of the application and all required
7 examinations, and upon payment of the required fee, the department shall issue to
8 every qualified applicant a driver's license indicating the type or general class of
9 vehicles that the licensee may drive. The license must display (1) a distinguishing
10 number assigned to the license; (2) the licensee's full name, address, date of birth,
11 brief physical description, and color photograph; (3) either a facsimile of the signature
12 of the licensee or a space upon which the licensee must write the licensee's usual
13 signature with pen and ink; (4) a holographic symbol intended to prevent illegal
14 alteration or duplication; and (5) for a qualified applicant who is under age 21, the
15 words "UNDER 21". A license may not display the licensee's social security
16 number and is not valid until signed by the licensee. If facilities are not available for
17 the taking of the photograph required under this section, the department shall endorse
18 on the license, the words "valid without photograph."

19 * Sec. 3. AS 28.33.100(b) is amended to read:

20 (b) In addition to the information required under AS 28.15.111, a commercial
21 driver's license shall include information determined by the United States Secretary of
22 Transportation to be appropriate to identify the licensee [, INCLUDING THE
23 LICENSEE'S SOCIAL SECURITY NUMBER].

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

26 APPLICABILITY. Section 2 of this Act applies to a driver's license that is issued or
27 renewed on or after the effective date of this Act.

28 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

ALASKA STATE LEGISLATURE

House of Representatives

Committee Assignments:

Judiciary Committee, Chairman
Labor & Commerce Committee, Member
Legislative Council, Member
Special Committees:
Economic Development, Member



Interim:

716 West 4th Avenue, Suite 350
Anchorage, AK 99501
PHONE: (907) 269-0117
FAX: (907) 269-0119

SESSION:

State Capitol
PHONE: (907) 465-4368
FAX: (907) 465-2040

REPRESENTATIVE NORMAN ROKEBERG

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

FAX COVER SHEET

DATE: 3/14/01

TO: Mike Ford

FAX: 2029 VOICE: 2450

RE: Requested CS for HB 110 - 22-LS0453/C

MESSAGE: We would like a CS for HB 110 (JUB) with

the following amendments:

#1. see attached

#2. change line #1, pg 2 to read "only applies to a person who has been issued a social security number; and"

TOTAL NUMBER OF PAGES SENT, INCLUDING COVER SHEET: ~~3~~ 2

#3. line 15, pg 2. delete "Except as provided under AS 28.33.10(b) for a commercial driver's license"

Thank you.

Heather Nobrega
x4990

Moved

AMENDMENT #1

OFFERED IN THE SENATE

TO: SB 102

1 Page 2, following line 20:

2 Insert a new bill section to read:

3 "* Sec. 3. AS 28.33.100(b) is amended to read:

4 (b) In addition to the information required under AS 28.15.111, a commercial
5 driver's license shall include information determined by the United States Secretary of
6 Transportation to be appropriate to identify the licensee [, INCLUDING THE
7 LICENSEE'S SOCIAL SECURITY NUMBER]."

8

9 Renumber the following bill sections accordingly.

only applies
1 ~~does not apply to a person who affirms by sworn affidavit that the person has not~~
2 been issued a social security number; and

3 (5) contain other information that the department may reasonably
4 require to determine the applicant's identity, competency, and eligibility.

5 * Sec. 2. AS 28.15.111(a) is amended to read:

6 (a) Upon successful completion of the application and all required
7 examinations, and upon payment of the required fee, the department shall issue to
8 every qualified applicant a driver's license indicating the type or general class of
9 vehicles that the licensee may drive. The license must display (1) a distinguishing
10 number assigned to the license; (2) the licensee's full name, address, date of birth,
11 brief physical description, and color photograph; (3) either a facsimile of the signature
12 of the licensee or a space upon which the licensee must write the licensee's usual
13 signature with pen and ink; (4) a holographic symbol intended to prevent illegal
14 alteration or duplication; and (5) for a qualified applicant who is under age 21, the
words "UNDER 21" ~~Except as provided under AS 28.33.100(b) for a commercial~~

Amendment #28

16 ~~driver's license, a~~ [A] license may not display the licensee's social security
17 number and is not valid until signed by the licensee. If facilities are not available for
18 the taking of the photograph required under this section, the department shall endorse
19 on the license, the words "valid without photograph."

delete

20 * Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 APPLICABILITY. Section 2 of this Act applies to a driver's license that is issued or
23 renewed on or after the effective date of this Act.

24 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 416

REPRESENTATIVE JOHN COGHILL

Date: February 26, 2001

To: Representative Norman Rokeberg, Chairman
House Judiciary Committee

From: Representative John Coghill

Re: Hearing for HB 110

FEB 26 2001

I am requesting that HB 110, "An Act relating to Social Security Numbers and Alaska Driver's Licenses", be heard at your earliest convenience.

- HB 110 would place in statute the current policy of allowing for an affidavit for persons who have never had a social security number.
- Secondly, it will eliminate the practice of placing social security numbers on a driver's license.
- The new policy set in this legislation would become effectively immediately rather than waiting until the sunset of HB 344.
- The provisions of this legislation would also apply to Alaska State Identification Cards.

Backup information for the bill is attached.

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 416

REPRESENTATIVE JOHN COGHILL

HB 110 Social Security Numbers and Driver's Licenses Sponsor Statement

In recent years the federal government has increased their practice of using social security numbers for identification purposes. This has resulted in Alaska requiring a social security number to be placed on the driver's license and has also resulted in the Division of Motor Vehicles requiring a social security number to obtain or renew a driver's license. Recently DMV instituted a new policy that better met federal guidelines on the obtaining or renewing of a driver's license. Now a person can sign an affidavit that they have never obtained, been issued, or used a social security number and obtain or renew a driver's license. The purpose of this legislation is fourfold.

- First, HB 110 would place in statute the current policy of allowing for an affidavit for persons who have never had a social security number.
- Secondly, it will eliminate the practice of placing social security numbers on a driver's license.
- The new policy set in this legislation would become effectively immediately rather than waiting until the sunset of HB 344.
- The provisions of this legislation would also apply to Alaska State Identification Cards.

I attempted to amend the statute to allow for persons who have completed a rescission action with the social security administration in returning invalidating their social security number to sign an affidavit to that effect and obtain or renew an Alaska Driver's License. The Social Security Administration has indicated, however, that they have not approved any request to rescind a social security number.

Because a driver's license is a means of identification for clerks in stores accepting checks, airlines allowing passage on planes, and bank cashier cashing checks or processing withdrawals, there is a lot of access to a social security number placed on a driver's license. I believe this is an acceptable change to law to preserve the privacy of each Alaskan's social security number.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 110(STA)
 (H) Publish Date: 2/21/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: An act relating to driver's licenses and BRU: Motor Vehicles
instructional permits; and providing an effective date. Component: _____
 Sponsor: Representative Coghill
 Requester: H (SA) Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact on DMV. Procedures contained in this bill have already been implemented by DMV administrative policy.

Prepared by: Charles R. Hosack Phone 269-5559
 Division: Motor Vehicles Date/Time 2/8/2001 2:00:00 PM
 Approved by: Jim Duncan, Commissioner Date 2/12/01
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

Subject: HB 110
Date: Thu, 08 Feb 2001 10:35:32 -0900
From: Chuck Hosack <Chuck_Hosack@admin.state.ak.us>
Organization: St of AK, Dept of Admin
To: Rynniva Moss@legis.state.ak.us

Rynniva

Thanks for sending a copy of HB 110. The wording is fine and this will not present a problem for DMV. The new wording in Section 1 reflects the new policy DMV started a few weeks ago for those who have never been issued a SSN. Since DMV is already doing this, the new language will not have an operational or fiscal impact on DMV. This section allows DMV to continue to collect the SSN on the application and this will satisfy the federal requirement. Those who have never been issued a SSN will fill out the affidavit and will be able to get the license.

Section 2 is a change in that DMV will no longer be able to print the SSN on non commercial licenses. DMV already has this capability as an option so again there will be no fiscal or operational impact.

You also mentioned that you would include language for those who had "legally rescinded the number back to social security". This language would cause a problem because according to social security a person cannot rescind a number once it is issued. The following paragraphs are taken from an email from Pat Driggers from the Social Security Administration on this subject.

*****Message from Pat Driggers, SSA *****

We have numerous people who have tried to "rescind" their number. Most of them are on the far fringes of the taxpayer protest movement who cite certain paragraphs from various laws out of context. Others are prisoners. All seek to prove that they are exempt from statutes of the federal government because they do not "reside" in the USA but in some other "sovereignty." (Many even refuse to add Zip Codes to their addresses since that implies that the federal government is a legal entity.) None of them have been successful. There is a filing cabinet somewhere containing their requests and copies of the refusal letters. We inform them that we will not withdraw an SSN that was issued based on a properly completed application. However, it is up to the individual to determine whether to "use" the number by supplying it when requested by a third party (employer, government agency, credit company, etc.) The third party is legally able to deny a job or services/credit if the person elects not to supply the SSN.

We do sometimes "void" an SSN. We do not delete the SSN from our records, only the identifying data. The most common reason in the past decade has been for parents who receive an SSN through the Enumeration at Birth process in the hospitals who claim that they did not request this SSN for their child and that they do not want their child to be

enumerated. In this situation, we do not truly have a "proper application" for an SSN. Since a child must have an SSN to be claimed as a tax dependent, this is a very rare occurrence. In the past, SSA voided a number to correct the human errors made when card issuance was a manual process.

However, it is most likely that a person who uses the word "rescinded" is not referring to voiding but to the denied requests in the first paragraph.

Subject: [Fwd: Social Security Numbers and Driver's License Applications]

Date: Tue, 20 Feb 2001 21:11:39 -0800

From: Wes Keller <Wes_Keller@legis.state.ak.us>

To: Rynnieva_Moss@legis.state.ak.us

Subject: Social Security Numbers and Driver's License Applications

Date: Tue, 20 Feb 2001 18:05:13 -0500

From: "Sheri Steisel" <sheri.steisel@ncsl.org>

Reply-To: humserv-l@ncsl.org

To: <childsupport-l@ncsl.org>, "Humserv-l" <humserv-l@ncsl.org>

Friends,

I have received a number of inquiries recently regarding the requirement in child support law to obtain social security numbers at application for driver's licenses. Last week, I attended the American Association of Motor Vehicles meeting on privacy issues where there also seemed to be confusion from State Departments of Motor Vehicles about whether states had alternatives if a driver did not have a social security number. The Office of Child Support Enforcement at HHS did clarify that there are procedures to assist individuals who apply for driver's licenses and do not have social security numbers.

While we posted this information to the listserv in December, I think it could be helpful to some of the newer members of the listserv. The Office of Child Support Enforcement PIQ Guidance on Social Security Numbers can be accessed at

<http://www.acf.dhhs.gov/programs/cse/pol/piq-9905.htm>

This PIQ advises states to accept a sworn affidavit from individuals who don't have a social security number which can be recorded on certain license applications.

---- Sheri Steisel
Federal Affairs Counsel
Director, Human Services Committee
NCSL
Sheri.Steisel@NCSL.org

U.S. Department of Health and Human Services
Administration for Children & Families
Office of Child Support Enforcement

PIQ-99-05

DATE: July 14, 1999

TO: State IV D Directors and Regional Program Managers

FROM: David Gray Ross
Commissioner
Office of Child Support Enforcement

RE: Inclusion of Social Security Numbers on License Applications and Other Documents

It has come to our attention that there is some confusion regarding the issue of inclusion of social security numbers on license applications and other documents.

Section 466(a)(13) of the Social Security Act (Act) requires States to implement procedures requiring that the social security number(s) of any applicant for a professional, driver's, occupational, recreational or marriage license be recorded on the application. In addition, section 466(a)(13) of the Act requires procedures requiring that the social security number(s) of any individual subject to a divorce decree, support order or paternity determination or acknowledgment be placed in the records relating to the matter and that the social security number(s) of any individual who has died be placed in the death records and recorded on the death certificate. Some States have asked how this requirement applies to those applicants or individuals that do not have social security numbers.

We interpret the statutory language in section 466(a)(13) of the Act to require that States have procedures which require an individual to furnish any social security number that he or she may have. Section 466(a)(13) of the Act does not require that an individual have a social security number as a condition of receiving a license, etc. We would advise States to require persons who wish to apply for a license who do not have social security numbers to submit a sworn affidavit, under penalty of perjury, along with their application stating that they do not have a social security number. Such an affidavit should also be required for divorce, support or paternity matters where an individual indicates that he or she does not have a social security number or in death cases where a family member, next of kin indicates that the deceased did not have a social security number.

This is consistent with the position we took in PIQ-97-04 regarding the requirement for inclusion of social security numbers on voluntary paternity acknowledgement affidavits. In PIQ-97-04 we stated that, although section 452(a)(7) of the Act specified that the social security number of each parent is one of the minimum requirements of an affidavit to be used for the voluntary acknowledgment of paternity, the omission of one or both of the social security numbers would not invalidate the acknowledgment.

If you have questions regarding this subject, please contact Jan Rothstein of my staff at (202) 401-5073.

9.]

license and special s provided in (b) of this the department for an successfully passed all iving test, issue to the e having the permit in ss of motor vehicle on 0 years. The permittee e been licensed at least e capable of exercising r, or who accompanies ives a motorcycle. An

ie a restricted instruc- d to an applicant who program that includes ed instruction permit ermittee's immediate owever, an approved ermittee is driving a nmediate supervision

o an applicant for a class of motor vehicle mination of all facts he temporary license nt is driving a motor t's license has been

on who is at least 14 ouse who is 18 years ermit may be issued nd fees, and is valid lid in a municipality erson under the age asis only, unless the .300 — 29.35.330 or

ment may issue a ears because of the f hardship shall be SLA 1978; am § 50

or vehicular way or area vo years. The permittee erson at least 19 years of t least one year to drive ng used, who is capable ehicle and who occupies ho accompanies and riever when the permit- struction permit may be

Effect of amendments. — The 1998 amendment, "must" and "21 years of age" for "19 years of age" in the effective January 1, 1999, substituted "shall" for next-to-last sentence in subsection (a).

NOTES TO DECISIONS

Cited in Francis v. Municipality of Anchorage, 641 P.2d 226 (Alaska Ct. App. 1982).

Collateral references. — 60 C.J.S., Motor Vehi- quirements for licensing of motor vehicle operators, 86 cles, § 135. ALR3d 475.

Validity, construction, and application of age re-

Sec. 28.15.055. Provisional driver's license. [Effective January 1, 1999]. Upon application, the department may issue a provisional driver's license to a person who is at least 16 years of age but not yet 18 years of age if the person has been licensed under an instruction permit issued under AS 28.15.051 or under the law of another state with substantially similar requirements for at least six months. (§ 3 ch 93 SLA 1998)

Effective dates. — Section 15, ch. 93, SLA 1998 makes this section effective January 1, 1999.

Sec. 28.15.057. Restrictions on driver's license issued to a person under 18. [Effective January 1, 1999]. Except as provided under AS 28.15.051, a person who is at least 16 years of age but not yet 18 years of age may not be issued a driver's license unless the person has been licensed under an instruction permit issued under AS 28.15.051 for at least six months and has held a valid provisional driver's license issued under AS 28.15.055 for at least one year. (§ 3 ch 93 SLA 1998)

Effective dates. — Section 15, ch. 93, SLA 1998 makes this section effective January 1, 1999.

Sec. 28.15.060. Applications of minors. [Repealed, § 19 ch 178 SLA 1978.]

Sec. 28.15.061. Application for driver's license or instruction permit; notice of anatomical gift and living will procedure. (a) Application for an instruction permit or for a driver's license must be made on a form furnished by the department and must be accompanied by the fee required under AS 28.15.271.

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

(1) contain the applicant's full name, social security number, date and place of birth, sex, and mailing and residence addresses;

(2) state whether the applicant has been previously licensed as a driver and, if so, when and by what jurisdiction;

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

(4) contain other information that the department may reasonably require to determine the applicant's identity, competency, and eligibility.

(c) When an application is received from a person previously licensed in another jurisdiction, the department may request a copy of the applicant's driving record from the other jurisdiction. Upon receipt of that record by the department, it becomes a part of the driver's record in this state with the same effect as if the record originated in this state.

(d) An employee of the department who processes a driver's license application, other than an application received by mail, shall ask the applicant orally whether the applicant wishes to execute an anatomical gift or a living will. The department shall make known to all applicants the procedure for executing a gift under AS 13.50 (Uniform Anatomical

D.M.V. attn: Charles R. Hasack

02-16-01

Fax to (907) 269-6084

Ref. John Coghill North Pole!
of course long distance!

Fax # 1-(907) 465-3258

The issue today is H/B 110 that was introduced only in part

(1) removal of SSAT# from Drivers licenses is a $\frac{1}{2}$ bill (see item #2)

(2) We need to also remove SSAT# from our state ID Cards also. Because these can be requested instead of Drivers licenses which has become the major if one source for identity. Our State ID that is required by law need not have our SSAT# on it either. At the time you remove it from our Drivers licenses then the required state ID, will be the main source simply because it will have the SSAT# that people can use to access every source of confidential information about a person. It was always a direct invasion of our rights to privacy that Alaska is leading in they love to be able to infringe upon others! So why just do it $\frac{1}{2}$ way? Jewel Walker Sr.

Fax to 1-(907) 677-9266

1-907-258-9422

Subject: SSN on ID Cards
Date: Fri, 16 Feb 2001 14:45:19 -0900
From: Chuck Hosack <Chuck_Hosack@admin.state.ak.us>
Organization: St of AK, Dept of Admin
To: Rynniewa_Moss@legis.state.ak.us

Rynniewa

I received a fax note this afternoon from a Jewel Walker Sr. and Rep Coghill was also listed as an addressee. She wanted HB 110 amended to prevent DMV from printing SSNs on ID cards. ID cards are addressed in AS 18.65.310 and in part says "the department shall issue a card identical to the motor vehicle operator's license provided for in AS 28.15.111.....". DMV takes the word "identical" literally and uses the same print program for both driver licenses and ID cards. If HB 110 passes in it's current form then DMV would apply the same standard to ID cards and would not print the SSN on the card.

I haven't replied to her yet. This is just for your info so you know DMV's position and intentions on this.

I will be in the office on Tuesday morning. Did you want me teleconferenced in again for the hearing when this comes up again?

Chuck Hosack

Subject: AkCLU statement in SUPPORT of HB 110

Date: Tue, 13 Mar 2001 19:09:26 -0900

From: "Jennifer Rudinger" <akclu@alaska.net>

To: <Representative_John_Coghill@legis.state.ak.us>

CC: "Heather Nobrega" <Heather_Nobrega@legis.state.ak.us>, <Representative_Albert_Kookesh@legis.state.ak.us>, <Representative_Ethan_Berkowitz@legis.state.ak.us>, <Representative_Kevin_Meyer@legis.state.ak.us>, <Representative_Jeannette_James@legis.state.ak.us>, <Representative_Scott_Ogan@legis.state.ak.us>, <Representative_Norman_Rokeberg@legis.state.ak.us>

MAR 14 2001

Dear Rep. Coghill,


Attached below, FYI, is my testimony in support of HB 110 (drivers' licenses and SSNs). I will go to the LIO in Anchorage tomorrow to testify in the House Judiciary Committee at 1:00, and I look forward to working with you in the future to protect Alaskans' privacy rights. Thank you very much for sponsoring this bill.

BTW, you will note in my statement that we support an amendment adopted in Senate Finance this morning, protecting commercial drivers' licenses the same as noncommercial licenses. Sen. Wilken introduced this amendment, and Sen Phillips accepted it as friendly. Would you accept such an amendment as friendly also? It really strengthens the bill.

Sincerely,

Jennifer Rudinger
Executive Director, AkCLU

CC: House Judiciary Committee

 (CS)HB 110 (SSN's on drivers' licenses).doc	Name: (CS)HB 110 (SSN's on drivers' licenses).doc Type: Winword File (application/msword) Encoding: base64 Download Status: Not downloaded with message
---------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

MAR 14 2001

Alaska Civil Liberties Union

An Affiliate of the American Civil Liberties Union

P. O. Box 201844, Anchorage, AK 99520-1844

Phone: (907) 258-0044 Fax: (907) 258-0288 Email: akclu@alaska.net

To: House Judiciary Committee (Representatives Rokeberg, Ogan, Coghill, James, Meyer, Berkowitz, and Kookesh)
From: Jennifer Rudinger, Executive Director
Date: Weds., March 14, 2001

Re: STATEMENT IN SUPPORT OF (CS) HOUSE BILL 110

Good afternoon, Mr. Chairman and members of the Committee. For the record, my name is Jennifer Rudinger, and I am the Executive Director of the Alaska Civil Liberties Union (AkCLU). The AkCLU is a non-partisan nonprofit organization supported by over 1,100 members statewide, and our mission is to defend Alaskans' civil liberties, including Alaskans' right to privacy and the right to control our own personal information. I thank you for the opportunity to testify today.

The Alaska Civil Liberties Union is pleased to support CSHB 110, and we commend Representative Coghill for sponsoring this legislation, as well as Senators Therriault and Phillips in the Senate (CSSB 102). **Furthermore, we urge this Committee to adopt an amendment similar to the friendly amendment offered by Sen. Wilken yesterday in Senate Finance and accepted by Sen. Phillips, bringing commercial drivers' licenses into the scope of CSHB 110's prohibition against the display of Social Security numbers (SSNs).** Sen. Phillips testified that when the bill was originally drafted, the sponsors were under the impression that federal law required display of SSNs on commercial drivers' licenses. Upon further research, that proved not to be the case, so the Senate Finance Committee moved CSSB 102 out yesterday with an amendment to protect commercial drivers' licenses the same as noncommercial drivers' licenses. The AkCLU enthusiastically supports this amendment. The AkCLU receives hundreds of complaints every year from Alaskans who feel that their civil liberties have been violated, and one of the most common complaints stems from Alaskans' legitimate concerns about the privacy of their Social Security numbers.

Despite the government's promise when the Social Security program was created that the SSN would be used *only* as a tool to administer a national retirement program, it has in fact become a national ID number. But because the SSN is so commonly used as an individual account number, this nine-digit code ends up being a virtual pass key to a vast amount of private, and often sensitive, information about individuals -- our address, medical history, shopping preferences, household income, and use of prescription drugs, to name just a few examples.

The Internet has made the problem even more serious. Numerous companies have distributed SSNs through online personal locaters or look-up services -- California's

Senator Dianne Feinstein has testified that it took her less than three minutes to retrieve her own SSN from the Internet. The proliferation of SSNs has already led to some very serious problems. Here are a few examples:

FRAUD -- It was recently discovered that ten current and former SSA employees had accepted bribes from a credit fraud ring in the business of selling mothers' maiden names to activate fraudulently obtained credit cards.

IMPROPER PRYING -- Congress passed a law in 1997 making improper prying, or so-called "browsing," a crime after an IRS employee targeted a state prosecutor against whom he had a grudge. The employee scrutinized the prosecutor's tax form, which included detailed information about the day care center the prosecutor's children attended.

IDENTITY THEFT -- Because of the widespread availability of SSNs, criminals are able to assume the identities of others in order to gain access to their victims' bank and charge accounts and to steal their victims' government benefits.

Ideally, Alaskans would not even be required to *provide* their SSN in order to obtain a driver's license -- but we understand that this is a requirement under federal law, and the ACLU has long been lobbying against this in Congress. Since the State must comply with this federal requirement, we applaud the sponsors of CSSB 102 and CSHB 110 for at least preventing Alaskans' SSNs from being *displayed* on their driver's licenses. These bills are a step in the right direction toward alleviating some of your constituents' valid concerns that their personal information could be accessed and used in an illegitimate manner.

We therefore support the immediate passage of CSHB 110, and we thank this body for taking this crucial first step toward protecting Alaskans' right to privacy.



Federal Motor Carrier Safety Administration


[About Us](#)
[Safety Programs](#)
[Rules &
Regulations](#)
[Federal Motor Carrier
Safety Regulations,
Rules and Notices](#)
[Facts & Figures](#)
[Contacting Us](#)
[Related Links](#)
[Site Map
Search](#)
Rules & Regulations
[Regulations](#) | [Regulatory Guidance](#)

Regulations

§383.153 Information on the document and application.

(a) All CDLs shall contain the following information:

(a)(1) The prominent statement that the license is a "Commercial Driver's License" or "CDL," except as specified in [383.153\(b\)](#).

(a)(2) The full name, signature, and mailing address of the person to whom such license is issued;

(a)(3) Physical and other information to identify and describe such person including date of birth (month, day, and year), sex, and height;

(a)(4) Color photograph of the driver;

(a)(5) The driver's State license number;

(a)(6) The name of the State which issued the license;

(a)(7) The date of issuance and the date of expiration of the license;

(a)(8) The group or groups of commercial motor vehicle(s) that the driver is authorized to operate, indicated as follows:

(a)(8)(i) A for Combination Vehicle;

(a)(8)(ii) B for Heavy Straight Vehicle; and

(a)(8)(iii) C for Small Vehicle.

(a)(9) The endorsement(s) for which the driver has qualified, if any, indicated as follows:

(a)(9)(i) for double/triple trailers;

(a)(9)(ii) P for passenger;

(a)(9)(iii) N for tank vehicle;

(a)(9)(iv) H for hazardous materials;

*provided by
Senator Gene Therriault*

(a)(9)(v) X for a combination of the tank vehicle and hazardous materials endorsements; and

(a)(9)(vi) At the discretion of the State, additional codes for additional groupings of endorsements, as long as each such discretionary code is fully explained on the front or back of the CDL document.

(b) If the CDL is a Nonresident CDL, it shall contain the prominent statement that the license is a "Nonresident Commercial Driver's License" or "Nonresident CDL." The word "Nonresident" must be conspicuously and unmistakably displayed, but may be noncontiguous with the words "Commercial Driver's License" or "CDL."

(c) If the State has issued the applicant an air brake restriction as specified in 383.95, that restriction must be indicated on the license.

(d) Except in the case of a Nonresident CDL:

→ (d)(1) A driver applicant must provide his/her Social Security Number on the application of a CDL; and

→ (d)(2) The State must provide the Social Security Number to the CDLIS.



[DOT Home](#) | [Federal Motor Carrier Safety Administration](#) | [Feedback](#)
United States Department of Transportation - Federal Motor Carrier Safety Administration

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Holly 465-3884
From: Mary M - DMV

siders "air over hydraulic" brakes to be air brakes under FMVSS 121.

Question 3: May a State issue a restriction to a driver who passes the air brake knowledge test and the skills test in a vehicle equipped with an air-over-hydraulic brake system that limits the driver to operate only vehicles equipped with an air-over-hydraulic air brake system?

Guidance: Yes. A State may issue the additional restriction, provided it is fully explained on the CDL. This would give a State the option to allow a driver who tests in a vehicle equipped with an air-over-hydraulic brake system (rather than a full air brake system) to operate a vehicle equipped with either a hydraulic or air-over-hydraulic brake system, while restricting them from operating vehicles equipped with a full air brake system.

Question 4: May a driver with an air brake restriction on his or her CDL operate a CMV equipped with a hydraulic braking system that has an air-assisted parking brake release?

Guidance: Yes. The air brake restriction applies only to the principal braking system used to stop the vehicle. §383.95(b) is not applicable to an air-assisted mechanism to release the parking brake.

§383.131 Test Procedures

Question 1: Are there any Federal regulations which require the States to retain for a specified period of time the CDL knowledge tests (or the test results) used to test CMV drivers?

Guidance: No, there are no Federal regulations regarding such record retention.

§383.133 Testing Methods

Question 1: May States administer the CDL knowledge and endorsement test in foreign languages or in other than a written format?

Guidance: Yes.

Question 2: Do the Federal standards limit the number of times a driver may take a test if he or she fails?

Guidance: The rule does not limit the number of times a driver may take a test.

Question 3: Is a State allowed to provide for an alternate test (e.g., oral) or administer an alternate exam format providing the test meets FHWA requirements?

Guidance: Yes. The knowledge portion of the test may be administered in written form, verbally, in automated formats, or otherwise at the discretion of the State.

§383.153 Information on the Document and Application

Question 1: May a State use the residence address as opposed to the mailing address on the CDL?

Guidance: Yes.

Question 2: May a State issue temporary nonphoto CDLs?

Guidance: Yes, as long as:

a. the State does not liberalize any existing procedures for issuing nonphoto licenses; and

b. the State does not allow drivers to operate CMVs indefinitely without a CDL which meets all the standards of §383.153.

Question 3: May a State choose to implement a driver license system involving multiple part license documents?

Guidance: Yes. A two or more part document, as currently used in some States, is acceptable, provided:

a. All of the documents must be present to constitute a "license;"

b. Each document is explicitly "tied" to the other document(s), and to a single driver's record. Each document must indicate that the driver is licensed as a CMV driver, if that is the case; and

c. The multipart license document includes all of the data elements specified in part 383, subpart J.

Question 4: If the State restricts the CDL driving privilege, must that restriction be shown on the license?

Guidance: Yes.

Question 5: Is a State required to show the driver's SSN on the CDL?

Guidance: No. §383.153 does not specify the SSN as a required element of the CDL document although the regulation does require a driver applicant who is domiciled in the U.S. to provide his or her SSN on the CDL application.

Question 6: Is a State prohibited from issuing a CDL to an applicant who, for religious reasons, does not possess an SSN?

Guidance: No. The determination of whether a person needs an SSN is left up to the Social Security Administration.

Question 7: Is a color-digitized image of a driver acceptable for purposes of a CDL?

Guidance: Yes. The FHWA will accept a color-digitized image of a driver on a CDL in lieu of a color photograph.

Special Topics — Motor Coaches and CDL

Question 1: May a State develop a knowledge test exclusively for motorcoach operators which excludes cargo handling and hazardous materials?

Guidance: Yes. A State could develop a basic knowledge test for bus drivers only, by deleting the cargo handling and FM questions from its normal basic knowledge test. In that case, the driver applicant would still need to pass the specialized knowledge and skills tests for the passenger endorsement, and the State would need to restrict the CDL to passenger operations only.

Question 2: What skills test is required for a CDL holder seeking to add a passenger endorsement?

Guidance: If a person already holds a CDL without a passenger endorsement, and subsequently applies for such endorsement, three situations may arise:

a. The passenger test vehicle is in the same vehicle group as that shown on the CDL. This situation poses no problem since there is no discrepancy.

b. The passenger test vehicle is in a greater vehicle group than that shown on the preexisting CDL. This is an upgrade situation. The driver and the State must meet the requirements of §383.71(d) and

y reports. — For Governor
IB 4-5 (from which ch. 55, SLA
(a) of this section, derived), see
262-2263.

of breath or blood
rising out of acts alleged
ial motor vehicle while
apply with regard to the
lleged:

the person's blood, or less
; blood, or less than 0.04
t does not give rise to a
of an intoxicating liquor,
in determining whether

the person's blood, or 40
; blood, or 0.04 grams or
ned that the person was

a the blood is based upon

to limit the introduction
hether the person was or

ed technician, chemist,
choosing administer a
on of a law enforcement
person does not preclude
ion of a law enforcement
h an additional test, and

l test at the request of a
cluding the results of it,
5 ch 3 SLA 1992)

ators.

tions from driving a commer
cial motor vehicle without be
sed

HCS CSSB 261 (JUD) am E
d 954.

Sec. 28.33.100. License to drive commercial motor vehicle. (a) A person may not drive a commercial motor vehicle until the person applies for and is issued a license for that purpose under AS 28.15.041. The department may not issue a license to drive a commercial motor vehicle unless the applicant

- (1) is at least 19 years of age;
- (2) has held a valid driver's license at least one year before the date of application or meets the experience qualifications established by the department;
- (3) has successfully completed all required driving tests and written and physical examinations;
- (4) either does not have a driver's license issued by another jurisdiction or surrenders all driver's licenses issued by other jurisdictions.

(b) In addition to the information required under AS 28.15.111, a commercial driver's license shall include information determined by the United States Secretary of Transportation to be appropriate to identify the licensee, including the licensee's social security number.

(c) A person who has been a state resident for 30 days or longer may not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

(d) The licensing requirements of this section are in addition to the requirements imposed on a school bus driver under AS 28.15.046.

(e) The department shall disqualify a person for a period of 60 consecutive days, and shall reevaluate the person's application or license to drive a commercial motor vehicle, if the department determines that the person knowingly provided false information required under

(1) this section or AS 28.15 in an application to the department for a commercial driver's license; or

(2) AS 28.33.110(c) in an application for employment. (§ 3 ch 53 SLA 1990; am §§ 16, 17 ch 3 SLA 1992)

Effect of amendments. — The 1992 amendment, effective April 1, 1992, in subsection (a), substituted "drive" for "operate" in two places in the introductory paragraph and inserted "or meets the experience qualifications established by the department" in paragraph (2); and added subsection (e).

Sec. 28.33.110. Notification requirements for drivers of commercial motor vehicles. (a) A driver of a commercial motor vehicle holding a commercial driver's license issued by the state who is convicted of violating a federal or state law or local ordinance relating to motor vehicle traffic control in this or another state, or a federal, provincial, territorial, or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify the driver's employer, in writing, of the conviction within 30 days after the date of conviction.

(b) A driver whose operating privilege is suspended, revoked, or canceled by a state, who loses the privilege to operate a commercial motor vehicle in a state for any period, or who is disqualified from operating a commercial motor vehicle for any period, shall notify the driver's employer of that fact before the end of the business day following the day the driver received notice of the suspension, revocation, cancellation, loss, or disqualification.

(c) A person who applies for employment as a commercial motor vehicle driver shall

(1) provide the person's prospective employer, at the time of application for employment, with the following information for the 10 years preceding the date of application:

- (A) a list of the names and addresses of employers for which the applicant was a driver of a commercial motor vehicle;
- (B) the dates between which the applicant drove for each employer;
- (C) the reason for leaving each employer;

(2) certify that the information provided under this subsection is true and complete;

(3) provide additional information required by the employer. (§ 3 ch 53 SLA 1990)