

12150

HOUSE

JUDICIARY

AMENDMENT #1

NOT  
OFF.

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: HB 3

1 Page 4, following line 24:

2 Insert a new bill section to read:

3 **\*\* Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

5 **CONDITIONAL EFFECT.** Sections 5 and 6 of this Act take effect only if the federal  
6 government certifies that the state has met the requirements of the Real ID Act of 2005, and  
7 state identification cards and driver's licenses are accepted as identification by the federal  
8 government under the Real ID Act of 2005. The commissioner of administration shall notify  
9 the revisor of statutes when the requirements included in this section have been satisfied.

10 **\* Sec. 8.** If secs. 5 and 6 of this Act take effect under sec. 7 of this Act, they take effect the  
11 day after the revisor of statutes receives the notice described in sec. 7 of this Act."

12

13 Renumber the following bill section accordingly.

14

15 Page 4, line 25:

16 Delete "This"

17 Insert "Except as provided in sec. 8 of this Act, this"

AMENDMENT

*#2 Not offered*

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: HB 3

1 Page 4, line 25:

2 Delete all material and insert:

3 **\* Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

5 **CONDITIONAL EFFECT.** This Act takes effect only if

6 (1) the Department of Administration receives funding from the federal  
7 government in the amount of at least \$12,000,000 to cover the state's costs in implementing  
8 the Real ID Act of 2005; the commissioner of administration shall notify the revisor of  
9 statutes when the funding is received; and

10 (2) the attorney general files suit in federal court challenging the Real ID Act  
11 of 2005 or joins in a suit filed in federal court by another state challenging the Real ID Act of  
12 2005; the attorney general shall notify the revisor of statutes when the suit is filed or the state  
13 joins in another state's suit:

14 **\* Sec. 8.** If this Act takes effect under sec. 7 of this Act, it takes effect the day after the  
15 revisor of statutes has received both of the notices described in sec. 7(1) and (2) of this Act."

AMENDMENT #4

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

HB 3 Version C

Page 2, lines 14-15

*Not offered.*

Delete

[IF THE PERIOD OF AUTHORIZED STAY IS INDEFINITE, THE EXPIRATION DATE FOR THE IDENTIFICATION CARD IS ONE YEAR FROM THE DATE OF ISSUE.]

Page 4, lines 23-24

Delete

[IF THE PERIOD OF AUTHORIZED STAY IS INDEFINITE, THE EXPIRATION DATE FOR THE IDENTIFICATION CARD IS ONE YEAR FROM THE DATE OF ISSUE.]

AMENDMENT

#3

OFFERED IN THE HOUSE  
TO: HB 3

BY REPRESENTATIVE RAMRAS

- 1 Page 3, line 20:
- 2 Delete "expired"
- 3 Insert "been expired for more than 12 months"

# Alaska State Legislature

**Chairman**  
State Affairs Committee

**Vice-Chairman**  
Economic Development, Trade & Tourism  
Committee

**Member**  
Judiciary Committee  
Joint Armed Services Committee

**Finance Subcommittees**  
Corrections  
Labor and Workforce Development  
Military and Veterans' Affairs  
Public Safety



*A Communication From*  
**REPRESENTATIVE BOB LYNN**  
District 31 Anchorage

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## **Sponsor Statement** **HB 3**

HB 3 requires an applicant for an Alaska driver's license to have a legal presence in the United States and, by extension, a legal presence in the State of Alaska. HB 3 also has safeguards that will insure that Alaska license or identification card holders are who they say they are. We require our citizens to provide the documentation for a license or ID; we must also require the same of others.

HB 3 is not the Federal Real ID Act. In fact, I sponsored HB 40 in 2003, similar to my current HB 3 driver's license bill. That's two years before the federal Real ID Act became law. This bill can and should be judged on its own merits.

Yes, HB 3 will bring Alaska into compliance with certain provisions of the Real ID Act, allowing Alaskans to use their Alaska driver's license or ID to enter secure federal buildings or to board an airplane. Without HB 3 Alaskans may soon find themselves having to use a U.S. Passport to take a flight to visit relatives in the lower forty eight or conduct important business in any secure federal building. Those are the facts.

But even if there was no Real ID Act, this bill would still make sense to require a legal presence in order to get an Alaska driver's license. Why should someone have the right to drive a car down the street when they don't have the legal presence to walk down the street?

The Alaska Department of Motor Vehicles has the statutory mandate to determine if an applicant has the necessary documents to receive a license – and this bill simply adds verification that the applicant has a legal presence in the places where the driver's license is issued and that a persons' driving privileges ends when that persons legal presence ends.

I value my privacy, just like other Alaskans. I also value common sense and the sovereign right of the State of Alaska to decide who does and who does not qualify for an Alaska driver's license. Alaska is a sovereign state in sovereign nation, and we should act like one by passing HB 3.

**Issuing Identification Cards and Driver's Licenses  
Sectional Analysis for House Bill 3**

**"An act relating to issuance of identification cards and to issuance of driver's licenses; and providing for an effective date."**

**Section 1:** Conforming amendment for **AS 18.65.310(a)** to allow the validity period of an identification card (ID) to be longer or shorter than the standard 5 year validity period.

**Section 2:** Amends **AS 18.65.310(g)** to require an 8 year validity period for an ID card issued to a person who is 60 years of age or older.

**Section 3:** Creates new subsections referencing legal presence and validity dates.

**AS 18.65.310(h):** requires proof that the applicant for an ID card is a citizen or legal resident of the United States.

**AS 18.65.310(i):** allows an ID card to be issued to a temporary resident of the United States under certain circumstances.

Requires the temporary resident to present the documents in person.

Requires the ID's expiration date to match the expiration date on the United States Government's temporary resident document.

For applicants with indefinite temporary status, the ID must expire one year from date of issue.

ID can be renewed with documentary evidence that the US Government has extended the stay.

The Department may regulate what constitutes valid, documentary evidence for an ID card except it cannot approve matricula consular cards.

**Section 4:** Amends **AS 28.15.031(b)** to prohibit the issuance of a driver's license to a person who privilege to drive has been cancelled or disqualified. Creates a new paragraph with subparagraphs referencing legal presence and validity dates.

**AS 28.15.031(b)(8)(A)** prohibits the issuance of a driver's license to a person who has not presented proof that the person is a citizen or legal resident of the United States.

Exempts a person with an Alaska driver's license from the proof requirements as long as the driver's license has not expired, or been cancelled, suspended, revoked, or disqualified.

Exempts a person with an Alaska driver's license from the proof requirements unless the department is notified by a government agency that the person is not a citizen or a legal resident.

The Department may regulate what constitutes valid, documentary evidence for a driver's license except it cannot approve matricula consular cards.

**AS 28.15.031(b)(8)(B)** allows a driver's license to be issued to a temporary resident of the United States under certain circumstances.

Requires the applicant to present the documents in person.

Prohibits a license renewal without proof that temporary status has been extended by the United States Government.

Prohibits a name change unless name change also corresponds to the United States Government authorizing documents.

Prohibits the issuance of a duplicate license without proof that the temporary status is still valid and in effect.

The Department may regulate what constitutes valid, documentary evidence for a driver's license except it cannot approve matricula consular cards.

**Section 5:** Conforming amendment for **AS 28.15.101(d)** to allow the validity period of a driver's license to be shorter than the standard 5-year validity period.

**Section 6:** Creates a new subsection in **AS 28.15.101** for driver's license validity dates.

**AS 28.15.101(d)** requires the license's expiration date to match the expiration date on the United States Government's temporary resident document.

For applicants with indefinite temporary status, the license must expire one year from date of issue.

**Section 7:** Effective date is January 1, 2008.

**Issuing Identification Cards and Driver's Licenses  
Sectional Analysis for House Bill 3**

Introduced: January 16, 2007

**"An act relating to issuance of identification cards and to issuance of driver's licenses; and providing for an effective date."**

**Section 1:** Conforming amendment for AS 28.65.310 to allow the validity period of an identification card (ID) to be longer or shorter than the standard 5 year validity period.

**Section 2:** Amends AS 18.65.310 to require an 8 year validity period for an ID card issued to a person who is 60 years of age or older.

**Section 3:** Creates new subsections referencing legal presence and validity dates.

**AS 18.65.310(h):** requires proof that the applicant for an ID card is a citizen or legal resident of the United States.

**AS 18.65.310(i):** allows an ID card to be issued to a temporary resident of the United States under certain circumstances.

Requires the temporary resident to present the documents in person.

Requires the ID's expiration date to match the expiration date on the United States Government's temporary resident document.

For applicants with indefinite temporary status, the ID must expire one year from date of issue.

ID can be renewed with documentary evidence that the US Government has extended the stay.

The Department may regulate what constitutes valid, documentary evidence for an ID card except it cannot approve matricula consular cards.

**Section 4:** Amends AS 28.15.031(b) to prohibit the issuance of a driver's license to a person who privilege to drive has been cancelled or disqualified. Creates a new paragraph with subparagraphs referencing legal presence and validity dates.

**AS 28.15.031(b)(8)(A)** prohibits the issuance of a driver's license to a person who has not presented proof that the person is a citizen or legal resident of the United States.

Exempts a person with an Alaska driver's license from the proof requirements as long as the driver's license has not expired, or been cancelled, suspended, revoked, or disqualified.

Exempts a person with an Alaska driver's license from the proof requirements unless the department is notified by a government agency that the person is not a citizen or a legal resident.

The Department may regulate what constitutes valid, documentary evidence for a driver's license except it cannot approve matricula consular cards.

**AS 28.15.031(b)(8)(B)** allows a driver's license to be issued to a temporary resident of the United States under certain circumstances.

Requires the applicant to present the documents in person.

Prohibits a license renewal without proof that temporary status has been extended by the United States Government.

Prohibits a name change unless name change also corresponds to the United States Government authorizing documents.

Prohibits the issuance of a duplicate license without proof that the temporary status is still valid and in effect.

The Department may regulate what constitutes valid, documentary evidence for a driver's license except it cannot approve matricula consular cards.

**Section 5:** Conforming amendment for AS 28.15.101(d) to allow the validity period of a driver's license to be shorter than the standard 5-year validity period.

**Section 6:** Creates a new subsection in AS 28.15.101 for driver's license validity dates.

**AS 28.15.101(d)** requires the license's expiration date to match the expiration date on the United States Government's temporary resident document.

For applicants with indefinite temporary status, the license must expire one year from date of issue.

**Section 7:** Effective date is January 1, 2008.

### Talking Points HB 3

The changes in AS as a result of HB 3 are summarized as follows:

US Citizens will not be affected – no changes in practice from existing procedures and regulations

International Customers (those persons in the US lawfully for a limited time period i.e. foreign exchange student) may be affected by having the expiration date of the DL/ID consistent with the length of lawful visit

Illegal aliens will be affected by this bill; any undocumented person, or person unlawfully in the US would be statutorily denied a DL/ID.

Here's the simple test for HB 3:

1. Do you believe that US citizens should be allowed a DL/ID?
2. Do you believe that a person lawfully allowed in the US (the International Customer) should be allowed a DL/ID?
3. If yes, should the expiration date of the DL/ID be consistent with the ending date of their lawful visit?
4. Should the DMV refuse to issue a DL/ID to an illegal alien?

If you've answered 'yes' to the above questions, you are in support of the AS changes in HB 3

What HB 3 does not require or accomplish:

1. a national database of your private information
2. a national ID card

What the federal Real ID Act will require in May 2008:

1. HB 3 specifically legal presence in the US
2. Standards for the DL/ID card (federal OMB is reviewing these rules now, no determination has been made yet as to how that will impact Alaska)
3. Retention of document (copy) establishing legal name and status
  - a. by hard copy or
  - b. by electronic copy
4. Cooperation with other states by sharing information

**HOUSE BILL NO.**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVE LYNN**

**Introduced:**  
**Referred:**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to issuance of identification cards and to issuance of driver's licenses;**  
2 **and providing for an effective date."**

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

4 **\* Section 1. AS 18.65.310 is amended by adding new subsections to read:**

5 (h) The department may not issue an identification card under (a) of this  
6 section to a person who has not presented to the department valid documentary  
7 evidence that the person is a citizen of the United States, a national of the United  
8 States, a legal permanent resident of the United States, or a conditional resident alien  
9 of the United States.

10 (i) Notwithstanding (h) of this section, the department may issue an  
11 identification card to a person who presents in person valid, documentary evidence of  
12 the person's legal status and presence in the United States. The identification card  
13 authorized under this subsection is valid only during the period of the time of the  
14 person's authorized stay in the United States and must clearly indicate that expiration

1 date. If the period of authorized stay is indefinite, the expiration date for the  
2 identification card is one year from the date of issue. The identification card  
3 authorized under this subsection may be renewed only upon presentation of valid,  
4 documentary evidence that the status by which the person qualified for the temporary  
5 identification card has been extended by the proper United States government  
6 authority. The department may by regulation specify what is valid, documentary  
7 evidence under this subsection except that the department may not specify that a  
8 matricula consular card is valid, documentary evidence.

9 \* Sec. 2. AS 28.15.031(b) is amended to read:

10 (b) The department may not issue an original or duplicate driver's license to,  
11 nor renew or reinstate the driver's license of, a person

12 (1) whose license is suspended, [OR] revoked, or cancelled, or who is  
13 disqualified from obtaining a license, except as otherwise provided in this chapter;

14 (2) who fails to appear in court for the adjudication of a certain  
15 vehicle, driver, or traffic offense when the person's appearance is required by statute,  
16 regulation, or court rule;

17 (3) who is an habitual user of alcohol or another drug to such a degree  
18 that the person is incapable of safely driving a motor vehicle;

19 (4) when the department, based upon medical evidence, has  
20 determined that, because of the person's physical or mental disability, the person is not  
21 able to drive a motor vehicle safely;

22 (5) who is unable to understand official traffic control devices as  
23 displayed in this state or who does not have a fair knowledge of traffic laws and  
24 regulations, as demonstrated by an examination;

25 (6) who has knowingly made a false statement in the person's  
26 application for a license or has committed fraud in connection with the person's  
27 application for, or in obtaining or attempting to obtain, a license, or who has not  
28 applied under oath on the form provided for the purpose of obtaining or attempting to  
29 obtain a license or permit; [OR]

30 (7) who is required under AS 28.20 to furnish proof of financial  
31 responsibility and who has not done so; or

1                   (8) who has not presented to the department

2                   (A) valid documentary evidence that the person is a citizen  
3                   of the United States, a national of the United States, a legal permanent  
4                   resident of the United States, or a conditional resident alien of the United  
5                   States; a person who is seeking a renewal of, duplicate of, or change of  
6                   legal name on a license is presumed to meet the requirements of this  
7                   subparagraph if the license has not expired or been cancelled, suspended,  
8                   or revoked and the person has not been disqualified from obtaining a  
9                   license; if the department has been notified by a local, state, or federal  
10                  government agency that the person seeking a renewal of, duplicate of, or  
11                  change of legal name on a license is not a citizen of the United States or is  
12                  not legally in the United States, then the presumption available in this  
13                  paragraph does not apply; the department may by regulation specify what  
14                  is valid, documentary evidence under this subparagraph except that the  
15                  department may not specify that a matricula consular card is valid,  
16                  documentary evidence; or

17                  (B) in person valid, documentary evidence of the person's  
18                  legal status and presence in the United States; a license issued under this  
19                  subparagraph may be renewed only upon presentation of valid,  
20                  documentary evidence that the status by which the person qualified for  
21                  the license has been extended by the proper United States government  
22                  authority; a change of name for a license issued under this subparagraph  
23                  may be made only upon presentation of valid, documentary evidence that  
24                  the person's name has been changed with regard to the status by which  
25                  the person qualified for the license; a duplicate license for a license issued  
26                  under this subparagraph may be issued only upon presentation of valid,  
27                  documentary evidence that the person's status by which the person  
28                  qualified for the license remains valid and in effect; the department may  
29                  by regulation specify what is valid, documentary evidence under this  
30                  subsection except that the department may not specify that a matricula  
31                  consular card is valid, documentary evidence.

1 \* Sec. 3. AS 28.15.101(a) is amended to read:

2 (a) Except as otherwise provided in this chapter and in (d) of this section, a  
3 driver's license expires on the licensee's birthday in the fifth year following issuance of  
4 the license. A license may be renewed within one year of its expiration upon proper  
5 application, payment of the required fee, and except when a license is renewed under  
6 (c) of this section, successful completion of a test of the licensee's eyesight.

7 \* Sec. 4. AS 28.15.101 is amended by adding a new subsection to read:

8 (d) A driver's license issued under AS 28.15.031(b)(8)(B) is valid only during  
9 the period of the time the person is authorized to stay in the United States and must  
10 clearly indicate the expiration date. If the period of authorized stay is indefinite, the  
11 expiration date of the license is one year from the date of issue.

12 \* Sec. 5. This Act takes effect January 1, 2008.



[history](#) | [pdf](#)**VIRGINIA ACTS OF ASSEMBLY – CHAPTER***An Act to amend and reenact § 46.2-328.1 of the Code of Virginia, relating to special identification cards.*

[H 2471]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-328.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-328.1. Licenses, permits and special identification cards to be issued only to United States citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions; renewal, duplication, or reissuance.

A. Notwithstanding any other provision of this title, except as provided in subsection G of § 46.2-345, the Department shall not issue an original license, permit, or special identification card to any applicant who has not presented to the Department, with the application, valid documentary evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States.

B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345, an applicant who presents in person valid documentary evidence of (i) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, (ii) a pending or approved application for asylum in the United States, (iii) entry into the United States in refugee status, (iv) a pending or approved application for temporary protected status in the United States, (v) approved deferred action status, or (vi) a pending application for adjustment of status to legal permanent residence status or conditional resident status, may be issued a temporary license, permit, or special identification card. Such temporary license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year. Any temporary license, permit, or special identification card issued pursuant to this subsection shall clearly indicate that it is temporary and shall state the date that it expires. Such a temporary license, permit or identification card may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary license, permit or special identification has been extended by the United States Immigration and Naturalization Service or the Bureau of Citizenship and Immigration Services of the Department of Homeland Security.

C. Any license or special identification card for which an application has been made for renewal, duplication or reissuance shall be presumed to have been issued in accordance with the provisions of subsection A, provided that, at the time the application is made, the license or special identification card has not expired, or been cancelled, suspended or revoked. The requirements of subsection A shall apply, however, to a renewal, duplication or reissuance if the Department is notified by a local, state or federal government agency that the individual seeking such renewal, duplication or reissuance is neither a citizen of the United States nor legally in the United States.

*The provisions of this section shall not apply to an applicant for a special identification card whose year of birth is 1937 or earlier and who has previously held a Virginia-issued driver's license or special identification card, provided that such driver's license or special identification card has not been expired for more than five years.*

**Institute rates Alaska DMV as one of most lax in U.S. -  
LICENSES: State disputes claim that it deserves an "F" in verifying applicants' identities.**

*Anchorage Daily News (AK)  
April 22, 2004  
Author: RICHARD RICHTMYER  
Anchorage Daily News  
Staff*

*Estimated printed pages: 4*

Alaska's Division of Motor Vehicles is among the nation's most lax when it comes to verifying the identities of driver's license applicants, according to a new study.

"The findings, frankly, are stunning," said Amitai Etzioni, director of the Institute for Communitarian Policy Studies at George Washington University, which examined the safeguards in place at motor vehicle offices in all 50 states.

The Institute, which promotes a balance between individual rights and social responsibility, looked into the subject because driver's licenses are widely used as the definitive ID, and the Sept. 11, 2001, terrorists got theirs through other lax states, namely Florida and Virginia, Etzioni said.

Those states have since shored up their systems, making states that haven't done so attractive destinations for future terrorists looking to acquire false identification from a valid source, Etzioni said.

"We know that the terrorists always discover where the weakest links are," he said.

Officials at the DMV and the state's Division of Homeland Security called the study's conclusions unfair, arguing that it did not take into account all of the identity-verification measures in place, only a select few that aren't.

The Institute established four steps it said states should take, at a minimum, to ensure effective screening for fraudulent applications and assigned a grade based on how many they used.

The steps were verifying Social Security numbers using an online database system; requiring proof that the applicant is legally in the United States and a resident in the state; linking license expiration dates to visa expiration dates for foreigners; and using biometric information, such as fingerprints or retinal scans, to verify identity.

Alaska is one of only four states that got an "F" for not taking any of those steps, Etzioni said. Wisconsin, Michigan and Oregon also flunked the institute's test.

DMV director Duane Bannock acknowledged that Alaska's system isn't perfect, but he argued that Alaska doesn't deserve a failing grade and the Institute's study only looked at part of the system.

Although Social Security cards are allowed as one form of acceptable identification, they are not required, and Bannock said it's easy to get a fake number that would check out on a database.

Applicants for an Alaska driver's license are required to present two pieces of identification, a "primary," that proves date of birth, and a "secondary" to prove identity. An applicant furnishing two primary forms of identification is not required to show a secondary form, Bannock said.

Acceptable primary identification documents include an original or certified birth certificate, a court order, another state's driver's license, a copy of a driver's record from another state, and a military ID card, Bannock said.

Social Security cards are on a list of about two dozen acceptable forms of secondary identification, which also includes health insurance cards, photographic employee identification cards and even income tax returns, Bannock said.

Workers who process driver's license applications across the state receive regular training in how to spot fake birth certificates, Social Security cards and other identifying documents, Bannock said.

Alaska's DMV has no immediate plans to put in place a Social Security number verification system, nor is it likely that applicants will be fingerprinted or retinal scanned any time soon, Bannock said.

However, he said the idea of making driver's licenses for foreigners expire when their travel or work visas expire is a good one, and he called the institute's criticism on that point fair.

"I would expect that's going to be changed here very soon," he said.

Meanwhile, state lawmakers next week are expected to resume debate on a bill that would require proof of citizenship or legal residency as a condition for getting an Alaska driver's license, which has been a hot-button in statehouses across the nation recently.

Alaska's bill, sponsored by Rep. Bob Lynn, R-Anchorage, has languished in Juneau since January 2003. Lynn said he hopes to get it passed out of the State Affairs Committee and onto the House floor before the Legislature adjourns the session in three weeks.

"I don't want Osama bin Laden or any of his friends to be able to get Alaska driver's licenses, and the way it is now, that in fact could happen," Lynn said.

An aide to State Affairs Committee Chairman Bruce Weyhrauch said he has put it on the hearings calendar for next week.

Tom Burgess, deputy director of the state's Division of Homeland Security and Emergency Management, said the institute's grading system was flawed, and that the state doesn't deserve an "F."

"Things like this do cause us concern, and we'd like to see something done in all these different areas," Burgess said.

"But I don't know that there's a bunch of holes in the system, and I haven't seen any indications that we have a problem," Burgess said. "People have to look at more criteria before they start assigning grades to states. A more thorough analysis is appropriate here."

Daily News reporter Richard Richtmyer can be reached at richtmyer@adn.com or 257-4344.

#### RANKING

GRAPHIC: A look at the criteria on which state DMVs were graded along with a list of the best and worst state DMVs.

[Back Page](#)

LICENSE TO HIDE: To read the report on drivers license screening in all 50 states, and how each state ranks, just follow the links.

[www.adn.com/links](http://www.adn.com/links)

Caption:  
Illustrated by Ron Engstrom

#### ILLUSTRATION SHOWS

##### Alaska's DMV fails test

A study shows Alaska often fails to verify the identities of driver license applicants.

##### Criteria

States were graded on how well they complied with four basic criteria:

- 1 Electronic verification of Social Security number
- 2 Requiring proof of legal residency in the nation and state
- 3 Linking license expiration dates to visa expiration dates for foreigners
- 4 Using biometric information such as fingerprints to verify identities

States that failed all criteria:

Alaska

Michigan

Oregon

Wisconsin

States that met all criteria:

Colorado

Kentucky

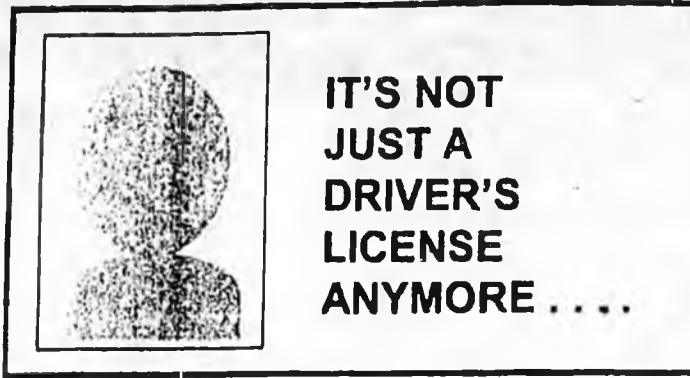
West Virginia

Caption:

Photo 1: ADNL\_ks\_042204.jpg

Photo 2: 22DMV chart\_042204.jpg

Edition: Final  
Section: Main



## ***It's a De Facto National ID. We Should Make It Secure***

*by Amitai Etzioni*

Every time a Transportation Security Administration, (TSA) agent closely examines my driver's license, I have a hard time not making one of those wisecracks that gets you into trouble. The reason? I know that driver's licenses as a means of identification are a joke. Fake ones can still be ordered on the Internet or purchased for about \$60 in many cities, and real ones can be obtained fraudulently.

The joke becomes a lot less funny when one recalls that several of the 9/11 hijackers used phony documents to acquire driver's licenses, which they used to obtain credit cards, enroll in flight school and purchase airplane tickets. Yet little has been done since then to make driver's licenses more reliable, despite the fact that they are by far the most commonly used means of identification in the United States--not just for travel, but also for entering most public building and numerous private ones. As a result, the "no fly" and "selectee" watch lists (used by the TSA to identify passengers who pose threats to airline safety), as well as other security-related databases, are at least partially blinded.

I am hardly a smart-card expert (or even a dull-witted one). But as a sociologist and social philosopher, I have studied circumstances under which concern for the common good might trump the right to privacy--for instance, the question of whether convicted pedophiles should be required to notify the communities in

which they settle of their predilections. As a result, the New York-based Markle Foundation, which focuses on technology policy, invited me to join a task force composed of privacy advocates and former officials from the Pentagon, National Security Administration and CIA to study national security and information technology. I chaired a subgroup on reliable identification.

Our deliberations opened with a bombshell. Robert J. Cramer of the General Accounting Office described a test in which GAO agents had been able to enter the United States using counterfeit driver's licenses without being stopped--25 out of 25 times in late 2002 and early 2003. They entered through sea ports from Canada, walked through border crossings from Mexico and arrived at airports from Jamaica. Shocked by these findings, our subgroup issued a report in 2003 with a long list of remedies. In March and April this year, Jared Bloom, my research assistant, and I queried officials in the 50 states and the District of Columbia about measures taken on these matters. The findings reveal how useless driver's licenses are as a means of identification.

It is still impossible for any state to find out whether a

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*Driver's License article*

person applying for a driver's license has already been issued one by another state (unless the applicant has had a license revoked or suspended). Thus, anyone with a clean driver's record can get a handful of licenses and hand over the extras to terrorists or other criminals.

Sixteen states still do not check online to see if an applicant presents a valid Social Security number. Instead, they submit hard copies of social securities numbers for confirmation. While waiting for replies, several of these states let applicants, who can be very hard to locate later, walk away with possibly false temporary, or sometimes even permanent, licenses.

Each state follows its own procedures in deciding which so-called breeder documents, (those used to obtain other cards or forms of identification) will be used to determine applicants' identities.

Seventeen states do not require proof that applicants are legally in the United States.

Only nine states collect biometric information,

(facial features, iris patterns of fingerprints), which is the most reliable means of identification. (In Texas, for example, fingerprints are taken and put on file, but not on the licenses themselves).

Driver's licenses-like other state-issued ID-cards are relics of the past. They were never meant to be used for national security purposes, or even national identification purposes. Hence, a relatively low level of reliability sufficed for the original purpose of confirming that a person had passed a driving test, met the physical requirements and was old enough to operate a vehicle.

The rub is that since 9/11, these state-issued pieces of plastic have been used increasingly as de facto national security cards, because a driver's license issued by one state is honored by all others and because federal authorities, especially the TSA, treat them as the equivalents of national passports. However, the federal government has not taken over the issuance of these cards the way it controls the issuance of Social Security or green cards. It has not even required states to improve their own issuance

practices. It has merely treated the licenses as though they were high-grade certificates.

Why has America been so slow to take remedial actions? It is not an accident, or a matter of plain neglect that the states largely act as if 9/11 did not happen. One reason is that because of a strong U.S. tradition of states' rights, the country is reluctant to move from an archaic state system to a 21st century form of government in which more tasks--especially those concerning national security--are federalized. And no state wants the folks in Washington, D.C. to tell it how to issue licenses. If the federal government did ask the states to meet standards suitable for what amounts to a domestic passport--needed to travel with the United States by air, by road and by rail, it would have to provide the states with the resources needed, otherwise it would be just another unfunded mandate.

Another major reason elected officials dare not touch ID cards is that backing for privacy with respect to this issue is particularly strong, with support spanning the ideological spectrum from conservative activist Phyllis Schlafly to the

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American Civil Liberties Union, (ACLU). In a 2002 letter to President Bush, a group of privacy advocates led by the ACLU and the Free Congress Foundation wrote, "The administration should not take any steps to implement such a system or fund any proposals that would result in a national ID, including the study or development of standardized state driver's licenses." And in a letter to the New York Times published on May 2, 2002, Schlafly and ACLU president, Nadine Strossen, stirred by one U.S. senator's proposal for standardizing driver's licenses as an effort to implement national ID cards wrote, "A national identity card would diminish privacy in America and do nothing to prevent further acts of terrorism on our soil."

The privacy lobby disregards the fact that such cards are commonly used in many other democracies. I prefer to call them national security cards because, they differ from national ID cards in two profound ways. A person is required to carry a national ID card at all

times and is to produce it on demand from police without any reason. (I have seen the police in Brussels block both ends of a street and ask everyone to identify themselves). In the U.S. system, people are not required to carry any form of identification unless they wish to enter a secure public area, such as some parts of airports or certain public buildings. Even when driving on public roads, Americans cannot be asked to present their licenses unless they have shown cause for police concern, for example by speeding or driving without a license plate.

Some privacy advocates push the most emotional buttons they can find. Lillie Coney, a senior policy analyst for the Electronic Privacy Information Center, argues that more reliable means of identification would make it easier for employers and government officials to discriminate against minorities. For instance, police might be more likely to demand to see the ID cards of foreign looking citizens. In effect, the opposite is the case; in places where an ID is required, such as airports, all are treated equally.

When there are no universal means of identification, however, those who look suspicious are queried which can lead to racial discrimination.

Many privacy advocates also argue that more reliable ID cards would, as the ACLU put it in 2002, "lull Americans into a dangerously false sense of security." This argument holds that if we rely too heavily on our improved means of identification for security, then we will take in person security less seriously. The same argument was made about seat belts that if people felt more secure they might drive like maniacs. If this absurd logic were followed, all effective safety measures should be abandoned. Most important, privacy advocates disregard the fact that the higher the level of reliability of the means of identification, the less that privacy will be violated. The reason is that if authorities cannot establish the most elementary aspects of a person's identity, such as a person's name, with some measure of reliability, then the only available alternative is to create a much more invasive profile from a

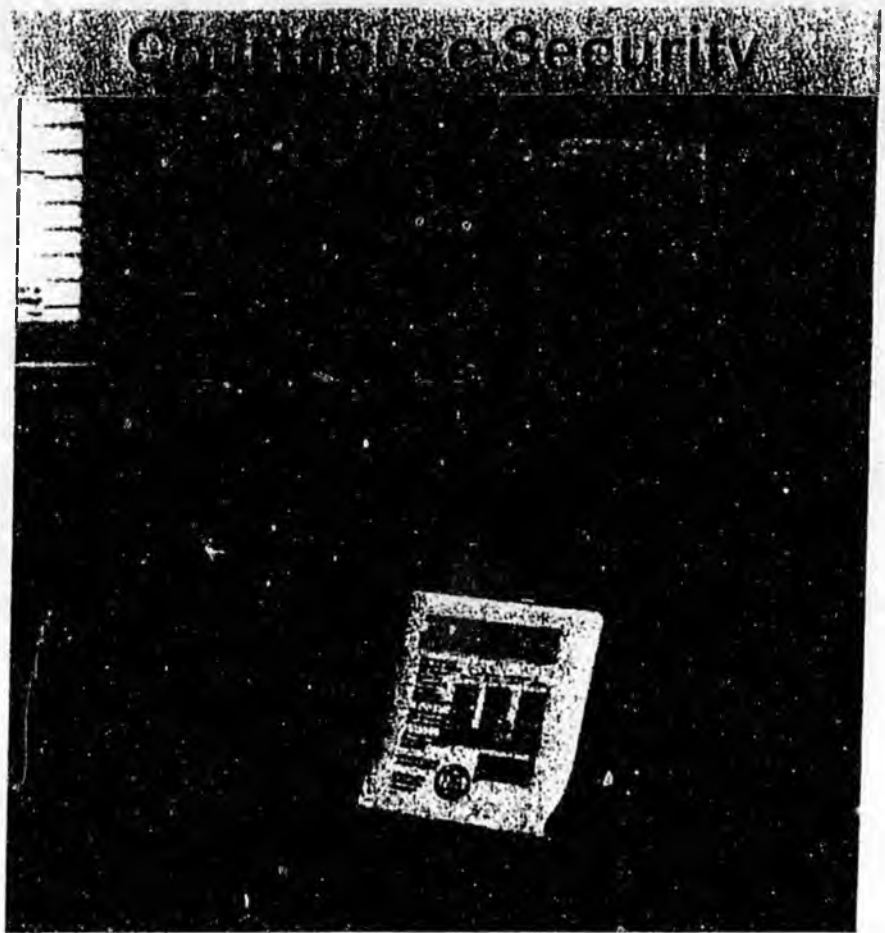
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Driver's License article

wider variety of databases, that use race, birthmarks, buying habits, and other activities and characteristics.

I am not arguing the ID cards are harmless. In a civil libertarian utopia, they would not exist. However, our world changed on 9/11. Moreover, this issue is governed by the Fourth Amendment, which is much less absolute than the First. It does not state that Congress shall make no law allowing search and seizure, only that there should be no *unreasonable* search and seizure--which, on the face of it, implies that there is a whole category of searches that are reasonable and fully compatible with the Constitution. No one has the right to a false ID. And if, after 9/11, we are going to identify people entering secure areas, then such identification should be reliable. ■

The 230...  
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We...  
complete...  
clothing...  
wet weather...  
and other...  
Law Enforcement  
Equipment



Courtesy Photo by Sherry Arter

W.D. Saunders, CEO of The National Association of Court Security Officers (left), met with Bill DeCicco, Clerk of the Court, United States Court of Appeals for the Armed Forces (right), in Washington, DC on June 9, 2004 to discuss courthouse security, the many security enhancements completed and planned at the court, and the court security officers program.

CEO W.D. Saunders shares his prototype of The National Association of Court Security Officers magazine with Mr. DeCicco. "To take it a step further, I was greatly impressed with the new technology that is being used at the U.S. Court of Appeals for the Armed Forces as Bill DeCicco escorted me through the building," said CEO W.D. Saunders.

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## Opinion: Passport rules get more confusing

Flying? Cruising? You may (or may not) need a new ID after all

By Rob Lovitt

Travel writer

Updated: 1:46 p.m. HT Jan 5, 2007

If you're planning a Caribbean cruise or Mexican vacation this winter, you may be able to take one thing off your to-do list. Thanks to a last-minute change in impending federal regulations, you may not need to get a passport after all.

Then again, you might. According to the new regs, some travelers will, indeed, need a passport come January, while others won't for up to another two years. Stranger yet, whether you will or won't has less to do with where you're going than how you intend to get there.

Confused? Trust me, as a guy who just helped his 15-year-old daughter apply for her first passport, I know the feeling.

### The story so far

Historically, U.S. citizens have only needed a birth certificate and driver's license to travel to Mexico and most Caribbean countries. But in April 2005, the federal government announced new, stricter requirements as part of its efforts to strengthen border security.

In a nutshell, the new rules stated that all travelers — including home-bound U.S. citizens — would need a passport to enter the U.S. from the aforementioned destinations, starting in January 2007. (Going away, it seems, isn't the issue; it's getting back in.)

Not surprisingly, the travel industry was none too pleased. There would be chaos, they claimed, as people scrambled to comply in time, or worse, canceled their trips due to the added expense. On October 4, their prayers were answered (well, some, anyway) when the president signed off on a partial deadline extension.

Barring additional changes, it breaks down like this: If you're planning on visiting Mexico or the Caribbean and traveling by air, you will need a passport to get back into the U.S. beginning January 23. If you're traveling by land or sea, however, you can go without until at least 2008. In other words, if you're cruising to Cozumel, bon voyage; if you're flying to Barbados without a passport, you may experience a few bumps on the flight back home.

### Just do it

Personally, I think everybody who travels outside the country should have a passport. (Approximately 27 percent of Americans currently have one.) And, I'm sorry, but I don't buy the arguments about the cost or inconvenience.

Currently, a new U.S. passport costs \$97 for adults, \$82 for children 15 and younger (photos not included). Let's call it \$100 even, which applied to, say, a three- or four-night cruise — the scenario the cruise industry likes to cite — is like tacking on a premium of 25 percent or more.

Clearly, that can be a hefty hunk of change, but it conveniently ignores one fact: Your passport is valid long after your sail-and-sign card no longer works at the bar. (For travelers 16 or over, they're good for 10 years; for those 15 and younger, five years.) Keep traveling and that "premium" eventually works out to about the price of a couple of piña colodas.

The inconvenience argument is even shakier since there are approximately 8,000 places in the country that accept passport applications, including many post offices, libraries, and city halls. Many are open after 5 p.m., some have Saturday hours, and if you fill out the forms beforehand, the whole process can take 10 minutes or less. (For forms and more information, [go here](#).)

Finally, there are those who argue that the pending deadline will force people to pay even more (\$60) for expedited service. Maybe so, but as a guy who has had his daughter's completed forms on his desk for three months, but only turned them in two weeks ago, blaming anybody else for my procrastination seems a bit like

bellyaching.

### Trouble in transit

Honestly, I have only one issue with the whole situation. The regulations that were set to go into effect in January applied across the board — everybody was expected to have a passport, whether they were traveling by airplane, cruise ship, or VW minivan.

The latest version takes a more piecemeal approach that's inconsistent, potentially inequitable, and likely to cause more, not less, confusion at the border this winter. We certainly don't need any more of that.

So, that's why I took my daughter down to city hall to get her passport a few weeks ago. She smiled for the camera, I wrote the checks (one for the passport, another for the photos), and the nice lady behind the counter took care of the rest. As it turned out, the regs changed a week later, so she may not need one after all.

Even so, I'm glad we did it. I'm glad to have one less thing to worry about if the regulations change again. And I'm glad my daughter will have a passport, whether she needs it now or not, because I know that someday she will.

A passport is more than just proper ID; it's a step toward becoming a true traveler.

*Rob Lovitt is a frequent contributor to MSNBC.com. If you have feedback for Rob, send him an e-mail.*

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## Driver's License Integrity

### Executive Summary

States have moved rapidly to address a variety of issues that were highlighted by the terrorist attacks of September 11, 2001 related to driver's license issuance, administration and enforcement, and verifiability. (See Appendix A) Although not essential to or directly related to the atrocities committed on 9-11, discovering that many of the terrorists held driver's licenses - some fraudulently issued and some from states with lax issuance standards - has focused state leaders' attention on the many opportunities to improve driver's license integrity for a host of important public safety reasons. In 2000 alone, drivers with invalid licenses killed over 6,200 people and the total economic impact of invalid drivers in that one-year is estimated to have exceeded \$25 billion. (National Highway Traffic Safety Administration) Enhancing issuance standards, driver's license document authenticity, and driver information verifiability will significantly improve the driver's license for its only required use - to prove state sanction to operate a motor vehicle - and for its many permissive uses that relate to proving identity. States are also increasingly cognizant of incidents of fraud and neglect that pervade many driver's license issuing authorities, an issue at the heart of comprehensive driver's license program reform.

Federal legislation to preempt states' control of their driver's license programs is currently being considered in Congress. This legislation is unnecessary because states are rising to the challenge of addressing this important issue, subject to significant legal challenge, and likely would create a huge unfunded mandate for states. Additionally, it would be considerably less effective than state action.

The purpose of this document is to define the issues that states must address in order to improve driver's license integrity and to propose a variety of options for state officials' consideration.

### Background

Rhode Island passed the first driver's license law in 1908. Since then, every state and territory has established a host of statutory provisions and administrative regulations to govern the privilege of driving. Driver's licenses were created for the purpose of protecting public safety by recognizing those individuals who met the necessary standards to receive state sanction to operate a motor vehicle. Generally, those standards include age, knowledge of traffic laws, physical capability to drive, and practical driving competence. Today, although driver's licenses are also used for many permissive purposes tied to verifying identity - from obtaining a library card to cashing a check to boarding an aircraft - the principal purpose of a driver's license remains unchanged; the only required use of a driver's license is to prove state sanction to drive. And, except for the commercial driver's license (CDL), states retain control of the standards governing driver's license issuance and enforcement. All states have required drivers to be licensed since 1954.

Driver's licenses are issued by states under the Constitutional authority of the Tenth Amendment, which reads "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." The result is that individual states have adopted driving standards appropriate to their own residents and have vested the authority to issue driver's licenses in a variety of state agencies. While a majority of states leave it to their respective Departments of Motor Vehicles or Departments of Transportation, this authority in some states is under the jurisdiction of the Secretary of State or even the State Tax Commission. (See Appendix B)

A driver's license represents a tool that affords its holder vastly increased mobility to move within a state and among states. Therefore, states have collaborated to ensure the safety of the nation's roads. Two interstate compacts - contractual agreements among the states - govern states' administration of drivers. The Driver License Compact (DLC) and the Nonresident Violator Compact (NRVC) provide a means for state cooperation and information sharing. These compacts were developed by the states and are currently administered by the American Association of Motor Vehicle Administrators (AAMVA). The DLC, created in 1961, ensures that a driver's home state receives and processes information about traffic violations committed by that driver in another state. Forty-five states have adopted the DLC. The NRVC standardizes methods used by different jurisdictions to process traffic citations received by out of state residents. Forty-four states have adopted the NRVC since its development in 1972. These compacts, while limited in scope, illustrate the states' ability for cooperative action.

In 1986, under its authority to regulate interstate commerce, the federal government enacted the "Commercial Motor Vehicle Safety Act" (CMVSA). This act established national standards for the issuance of the CDL. Commercial drivers have required a CDL since 1992. According to the US Department of Transportation (USDOT), CDL's represent approximately 5% of the total number of driver's licenses issued in the United States. The USDOT reports that the United States has approximately 190 million licensed drivers.

### Current Issues

A more effective structure for states to comprehensively enforce driving laws would significantly enhance public safety, as would individual state action. Such enhancements would include the following elements:

- Integrity of license issuance - Ensuring that the person receiving a license meets necessary driving competency standards and has a verifiable identity.
- Verifiability - Providing access to appropriate law enforcement officials to verify the authenticity of the license document, driving history, and identity of the license holder.

#### Integrity of License Issuance

All states verify the identity of a potential license holder before issuing a driver's license. The documents used to verify identity for this purpose are known as "foundation documents" because they provide the building blocks of personal information on which the license is issued. Foundation documents range from birth certificates, to utility bills, to passports, to other state's driver's licenses. The principal challenge related to foundation documents is states' ability to verify their authenticity and validity. States do not routinely verify, for instance, that the foundation documents with which they're presented are authentic (i.e. that the document is genuine) or valid (i.e. that the document is eligible to be used). For example, a deceased individual's birth certificate may be authentic, but it is invalid for use as a foundation document for a driver's license. Richard Varn, CIO of the State of Iowa provides a detailed discussion of this issue. In sum, Varn says that states must increase their ability to verify the authenticity and validity of foundation documents. He also provides the outline of an information infrastructure framework for doing so. Currently, few states actively verify foundation documents. Additionally, relying on an individual state employee's ability to recognize authentic documents is nearly impossible. Indeed, the Secret Service recently reported that the United States produces more than 16,000 different kinds of birth certificates.

A second but related issue is the process by which a state ensures that the individual presenting valid foundation documents is indeed the individual to whom those documents belong. It is possible, in other words, for Jane to present Sally's birth certificate and get a valid driver's license in Sally's name. The birth certificate itself is an authentic document but it does not belong to the person presenting it. Varn suggests that the use of foundation documents alone to prove identity is inadequate.

Then, of course, there's fraud. Fraudulent issuance of driver's licenses comes in two forms - fraud that occurs without the cooperation of the licensing authority and fraud that occurs with it. It is clear that the current system provides an individual who chooses to produce fraudulent foundation documents with a significant opportunity to illegally hold a valid license or licenses. As will be discussed later, such documents provide the ability to assume the identity of another individual in order to affirmatively commit a host of criminal offenses or to avoid responsibility for previously committed acts. It is in states' interests to create a system that significantly hampers criminals' ability to misuse the driver's license system.

The most comprehensive system, however, is only as strong as its weakest link. In many states, the weak link has proven to be licensing authority employees. News stories about such incidents abound and as the driver's license system is improved and the driver's license becomes a more secure and valuable document, it is likely that employee fraud, if unaddressed, will increase.

On October 1, 2000, for instance, the "Orange County Register" reported that California Department of Motor Vehicle (DMV) employees were selling fraudulent driver's licenses for up to \$4000 a piece and that 60 active cases of fraud existed. In New Jersey, rings of DMV employees selling licenses for thousands of dollars a piece were uncovered by law enforcement during a two-year investigation according to "The Star-Ledger." Additionally, at least one state's motor vehicle administrator has stated publicly that her state does not input all relevant driving citations into the appropriate database. It is likely that the known incidents of fraud (and neglect) are merely the "tip of the iceberg" of issues related to driver's license administration.

#### Verifiability

Although most driver's license holders may very well believe that a law enforcement official in one state can quickly and accurately verify driver history on a driver from another state, the reality is much different. Although systems exist for this purpose, it can take from 30 to 60 minutes or longer to access driver record information in another state. The result is a practical inability to verify license information and driver history in real time. It is possible, then, that an individual stopped for a traffic offense could produce a counterfeit license - in the name of an individual who does not even exist - and escape detection. Another scenario is that an individual could produce a license in his or her own name that the law enforcement official could not immediately learn had been revoked or suspended. This is a significant public safety issue, since according to the National Highway Traffic Safety Administration (NHTSA) individuals with invalid driver's licenses caused approximately 11% of fatal accidents in 2000. The cost in human life - over 6,200 fatalities - injuries, property damage, and increased insurance premiums is enormous. In fact, based on available NHTSA data, the economic cost of these fatal accidents alone was over \$6 billion. And, the economic impact of all accidents in 2000 caused by invalid drivers is estimated to have exceeded \$25 billion.

In addition to the acknowledged law enforcement need to verify the authenticity and validity of the license document and have real-time access to driver history information, it is also clear that the document must belong to the person holding it. The concept of collecting and using uniquely individual personal identifiers to tie driver's license holders to their license is decades old. Most states require a picture

and even physical description to appear on license documents. The issue, though, is whether states should incorporate additional kinds of uniquely individual personal identifiers (e.g. fingerprints, retinal scans, etc.) into their licensing process and license documents to strengthen the connection between the license holder and the document and to decrease fraudulent issuance and use. Additional measures to improve verifiability are certainly warranted.

#### Misconceptions Regarding Current Driver's License Issues

There are many compelling public safety reasons to improve driver's license programs in individual states and the system for sharing information among states. It is difficult to defend, for instance, issuing authentic licenses to imposters and failing to adequately share information about unsafe drivers. However, those interested in laying the foundation for a national identification system, make two obviously false arguments for system reform. It's important to understand these arguments in order to fully appreciate the implications of pending driver's license system reform currently before Congress - legislation that would "federalize" the driver's license.

First, it is factually accurate that many of the September 11<sup>th</sup> terrorists held driver's licenses. Several terrorists were issued licenses under false identities and others held licenses in their own names. While it is clear that no state licensing authority would ever intentionally issue a driver's license to a terrorist, it is impossible to conceive of a driver's license system that could screen out individuals intending to use the license in the commission of some future crime. Certainly, recent experience in the Midwest involving a college student planting explosives in mailboxes proves that. (It is interesting to note, too, that a driver's license in that case proved to have a much more direct relationship to the crimes committed than did the licenses held by the September 11<sup>th</sup> terrorists. It has even been suggested that "federalizing" the sale of box cutters, an admittedly absurd suggestion, would be a more relevant response to the September 11<sup>th</sup> attacks than "federalizing" the driver's license.)

It must also be understood that the federal government has sole responsibility for admitting, regulating, and monitoring foreign nationals in the country. With regard to foreign terrorists, the federal government must prevent these individuals from entering the country in the first place. With regard to foreign nationals it chooses to admit, the federal government must at least make information about these individuals available to states in real time so that visas and other documents can be verified. The federal government may even want to consider certifying certain foreign nationals as eligible to receive a driver's license. And, states may wish to re-evaluate whether issuing licenses to "non-status" immigrants is appropriate, despite important public safety reasons for doing so. Should the federal government attempt to shift responsibility for monitoring foreign nationals to the states, the costs and liability issues for the states are enormous. Regardless of the approach, the federal government must provide significant leadership and direction to states on these matters and must be held accountable when it fails to do so. The best driver's license system will not and cannot stop terrorism. The suggestion that it could hampers important reform efforts.

Second, the problem of "identity theft" in the United States is significant. Indeed, it is used as a principal argument for improving the verifiability of driver's licenses. The argument is this - There are over 500,000 cases of identity theft a year. The driver's license is the most widely used form of personal identification. Improving the current driver's license system and creating a better driver's license document can eliminate identity theft. (See Betty Serian's testimony to Congress, April 16, 2002.)

A close examination of this argument reveals its significant flaws. First, the term "identity theft," as used by the Federal Trade Commission (FTC), is an umbrella designation for a variety of crimes that require the criminal misuse by one person of another person's personal information, even including the digital signature of a cell phone. The FTC's own statistics show that the vast majority of "identity theft" is actually credit fraud and bears little relation to the issuance of a driver's license. Indeed, although the FTC's Identity Theft Hotline telephone counselors do not specifically ask callers whether a fake driver's license was implicated in their case, callers are offered the opportunity to volunteer that information. Fake driver's licenses are reported in 2.7% of cases.

Second, the "over 500,000" figure is exaggerated by as much as 500 percent. The number comes from self-reporting by the three major credit-reporting agencies (Equifax, Experian, and TransUnion) to the General Accounting Office (GAO). Because these agencies became concerned that individuals were placing "fraud alerts" on their accounts prophylactically, whether they had actually been victims of credit fraud or not, the agencies changed their fraud alert procedures. Now, fraud alerts come in two forms. The first is a 30-day fraud alert, placed following an initial report of credit fraud. The second is a permanent fraud alert, placed upon request after the initial 30-day fraud alert expires. That change has reduced the estimated number of "identity theft" cases from over 500,000 to approximately 100,000 cases per year.

The result is that the best data available from the FTC suggests that the number of cases of identity theft per year, in which a falsified driver's license is implicated, is about 2,700, far fewer than the 500,000 plus cases suggested in recent Congressional testimony. It must also be noted that a breakdown of how those 2,700 licenses were issued does not exist. The vast majority of those could involve fraudulent issuance by licensing authority employees, for instance. This is important because it suggests that any reform of individual driver's license programs or the cooperative driver's license system must begin with a close examination of fraud in driver's license administration offices.

It is also important to note that those who advocate the use of the driver's license to stop the much larger and vaguely related problem of "identity theft" in its various forms admit that they want to expand the **required** use of a driver's licenses to non-driving purposes (e.g. the verification of identity for a host of other activities - banking, health care, etc.). This has enormous implications. Doing that

would require tying public and private databases together. Such a system could certainly not be characterized as anything less than a "national identification system," with significant opportunities for misuse of information, violations of privacy, and license holder "tracking." Additionally, a large percentage (approximately 33%) of American citizens, residents, and visitors don't have driver's licenses because they don't drive. It is probable that such proposals would ultimately lead to the requirement that everyone be "licensed" in some form by the government whether they intend to drive or not. In other words, the driver's license would become an identity license.

#### The Scope of the Real Solution

By arguing that driver's licenses are more than they are and that any possible "fix" to the current driver's license system must address a range of unrelated collateral matters, advocates for an enhanced "identity security" system cloud the real issues and hamper an appropriate and effective solution. States should move to improve the integrity of issuance of driver's licenses and the verifiability of those licenses because doing so will address important public safety concerns related directly to the primary purpose of a license - state sanction to operate a motor vehicle - and will improve the license document for a host of other permissive uses. The scope of a real solution, then, must address the following elements:

1. **Issuance Standards** - States should consider adopting standards for issuing driver's licenses that include the use of verifiable (e.g. authentic and valid) foundation documents. Such standards will necessarily involve enhancement of the control and verifiability of foundation documents within states, among states, and between states and the federal government.
2. **Driver Information - Collection, Sharing, and Exchange** - States should consider enhancing their ability to share information about drivers with one another by consistently collecting and sharing driver information. This information should then be available to appropriate law enforcement officials in real time.
3. **State Operation and Enforcement** - States should consider examining their own driver's license authorities and should consider whether their lead law enforcement organization should take an enhanced role in administering the driver's license program. Although the integrity of current licensing authorities clearly varies from state to state, fraud in offices that issue licenses is a significant issue and cannot be ignored. An enhanced law enforcement role in licensing administration would likely greatly reduce fraud, ensure compliance with established standards, and promote government efficiency by tying the issuance of licenses to the enforcement of them. Additionally, states should consider additional penalties for criminal activity related to the improper issuance or manufacture of driver's licenses.
4. **Tamper and Counterfeit-Proof Features** - States should consider making the driver's license document more tamper resistant and difficult to counterfeit.
5. **Accurate and Reliable Personal Identifiers** - States should consider enhancing the type of uniquely individual personal identifiers they use to tie a driver to a driver's license document. This information should be verifiable in real time by appropriate law enforcement officials.
6. **Verifiability** - States should consider enhancing their communications and information infrastructure to allow real time access to driving history information, as well as the ability to verify the authenticity of the driver's license document.

#### State Driven Solutions

The acknowledged issues with the current driver's license system provide states with a significant opportunity to drastically increase public safety and reduce the associated costs of unsafe drivers. Although some argue that the federal government must preempt the states' authority in this area and mandate national driver's license standards, such an approach is unnecessary and substantially less effective than states acting independently and in concert with one another. State approaches have included and can include:

- Establishing a "State Clearinghouse for Best Practices" to promote effective regulatory and legislative changes in states that mirrors the on-going efforts of CSG, The National Conference of State Legislatures (NCSL), and The National Governor's Association (NGA) on a wide array of issues. Information would be posted electronically and made available through annual or semi-annual written reports. The clearinghouse would document legislative enactments, regulatory changes, executive orders, interim committee reports and judicial decisions and provide links to related articles, publications and reports. Additionally, Clearinghouse staff could provide necessary technical support to states.
- Drafting model legislation related to the issuance and verification processes. Model legislation would be collaboratively drafted by CSG, NCSL, and NGA or by an organization experienced with the production of model legislation. Recently, CSG, NCSL, and NGA drafted model legislation to streamline sales and use tax collection. Model legislation would identify issues that have surfaced in all or most states regarding driver's license issuance and verification and create a marker for individual states to target for making changes and modifications.
- Developing uniform minimum standards that could be adopted by states for issuance and verification of driver's licenses through a joint CSG, NCSL, and NGA effort. States would have flexibility to go beyond the minimum standards and, therefore, continue to

test additional ways of enhancing the integrity of the overall system. Intergovernmental agreements to ensure compliance could also be adopted.

- A new "Interstate Compact on Driver's License Integrity" could be developed. Modeled on CSG's recent experience with the development and adoption of the Compact on Adult Offender Supervision, a new compact would replace the existing compacts, which were never designed as comprehensive and are inadequately administered. As a contract among states, the new compact would provide a mutually agreeable and enforceable framework for cooperative state action. Key advantages and elements of a new interstate compact, could include:
  - Speed of Enactment - The compact can be developed and implemented by states in as few as 30 months, consistent with CSG's experience with the adult offender compact. Compact development involves a consensus approach in which all states will have the opportunity to participate.
  - Fifty State and Full Territorial Adoption - The compact's language can encourage all states to adopt it in order to provide protection from unsafe drivers for their own residents and lower associated insurance and other costs. For instance, the language of the compact can preclude the sharing of driver information with non-compacting states. Additionally, compacting states could refuse to honor the driver's licenses from non-compacting states.
  - Administration and Enforcement - The compact can establish an Interstate Commission to oversee its administration and enforcement. This Commission could be granted authority to make and enforce rules in a far more effective and dynamic way than can the federal government, which can only establish static requirements. Enforcement provisions could include a range of mechanisms from alternative dispute resolution to fines and costs assessment, suspension and termination of membership in the compact, and judicial enforcement. The Commission would also oversee the development of an integrated information sharing system that preserves state control of driver information.
  - Cost - Development and enactment of the compact could likely be undertaken for approximately 1% of the funding authorized in recently introduced legislation to federalize the driver's license. Long-term costs would be addressed in the compact itself. This cost analysis is consistent with CSG's experience with the adult offender compact.
  - Standards - States could mutually agree to much more rigorous standards than have been proposed in federal legislation.

States welcome the opportunity to engage the federal government in appropriate partnerships to ensure prompt enactment of these proposed solutions.

#### The "Federalized" Driver's License

Three pieces of federal legislation that would "federalize" the driver's license are currently under review by Congress.

##### Driver's License Modernization Act of 2002 (DLMA)

This act, introduced by Rep. Jim Moran and Rep. Tom Davis of Virginia, requires that within five years states will implement driver's license programs with the following requirements:

- Driver's licenses will become smart cards with computer chips that store a variety of information.
- Biometric data to match the license with its owner will be collected.
- States' participation in national databases will be required.
- Tamper-resistant security features will be incorporated into all license documents.
- States will adopt and implement procedures for accurately documenting the identity and residence of an individual before issuing a driver's license.

This legislation directs the Secretary of Transportation to establish necessary standards within six months of its adoption in consultation with the American Association of Motor Vehicle Administrators (AAMVA), the General Services Administration, and the National Institute of Standards and Technology. The bill also authorizes the federal government to appropriate \$315 million for grants to states to help offset initial costs of this new system. The specific language of the bill should be of interest to state leaders, however. It repeatedly directs the Secretary of Transportation to set standards but doesn't require federal funding to pay for new federally imposed requirements.

##### Driver's License Integrity Act of 2002 (DLIA)

Similar to the DLMA, this legislation drafted by Sen. Richard Durbin of Illinois would require:

- Minimum uniform standards for issuance and administration of state-issued driver's licenses.
- Interstate sharing of driving information for verification with enhanced privacy protection within five years of enactment.
- Enhanced ability for verification and authentication of the driver's license.
- Prevention of abuse and enhanced penalties for internal fraud.
- Similar state funding allocation.

DLIA requires the Secretary of Transportation to develop the minimum set of verification and identification requirements and supervise state implementation.

#### HR 4043

This legislation, introduced by Rep. Jeff Flake of Arizona, would bar Federal agencies from accepting a State-issued driver's license for any identification-related purpose unless the State requires licenses issued to nonimmigrant aliens to expire upon the expiration of the aliens' nonimmigrant visa.

Advocates for "federalizing" the driver's license argue that the state run driver's license system is broken and cannot be fixed without federal intervention and oversight. It has been argued that the national scope of the problem, the need to act quickly, and the associated remedial costs require a federally mandated solution. However, there are a number of significant weaknesses inherent in this approach. They include:

- Federal legislation that deals with non-commercial driver's licenses would be subject to years of legal challenges on constitutional grounds and might be struck down.
- The federal government took six years to implement the CDL license after passing the enacting legislation; six years to address a pool of licenses that is 1/20<sup>th</sup> the size of non-commercial driver's licenses. And, in May 2002, Daniel Hartman, who manages the division at the US Department of Transportation that oversees the CDL process, stated the most significant problem that system faces - 16 years after its enactment - is fraud in the licensing authority offices that administer the system.
- "Federalizing" the driver's license would require a host of additional federal administrative and legislative action beyond the initial legislation in order to effectively administer and enforce the federal directives.
- The "federalized" driver's license is "the on-ramp to the national ID highway" because it logically requires the federal government to assert control of the driving and personal data collected by states. This data could then be used for a host of non-driving related purposes without state consent.
- The "federalized" driver's license that includes so-called "smart technology," as required by the DLMA, opens the driver's license document - without state consent - to a host of other required uses. It creates a document that could hold personal identifying information as well as credit and other information. Currently, the technology does not exist to make such a document tamper-proof. The difficulty of disclaiming use of a fraudulently produced version by the legitimate holder would be much greater as well.
- Federal legislation requires the setting of standards without requiring the availability of funding to pay associated costs. These costs could extend far beyond the technology required to implement the federal approach and would likely include increased administrative costs for states and an increased burden to enforce violations of federal law.
- Federal legislation, particularly the DLMA, entrenches the role of motor vehicle administrators as the issuers of driver's licenses at the state level. The federal government should not preclude states from reviewing whether their leading law enforcement organization should take an enhanced role in administering driver's license issuance in order to reduce fraud and promote government efficiency.

#### Conclusion

States have moved expeditiously, both independently and in concert, to address the issues with the current driver's license system. Although much work remains, state leaders increasingly understand the appropriate universe of issues that must be addressed and the urgency of action. State leaders welcome the cooperative efforts of the federal government through appropriate national organizations, but resist "federalizing" the driver's license. CSG and NCSL, in concert with other national organizations, remain committed to working closely together, and through their members - every elected and appointed state official in the nation - to improve the integrity of the state issued driver's license.

## APPENDIX A

## Examples of State Action to Improve Driver's License Integrity

Many states are enhancing their driver's license issuance process. Florida may make it a felony for anyone to sell or manufacture a counterfeit driver's license. It may also require non-citizens to show extra identification before being given a new or renewed license. In New Jersey, citizens may have to produce official copies of birth or marriage certificates to get new IDs. More state activities are described below:

Delaware

Governor Minner's package of homeland security legislation includes S.B. 287 - Driver's License Security - Expands the requirements for persons applying for a driver's license in Delaware. Most significantly, it would require an applicant to provide proof that the applicant is legally in the United States. Sponsored by Sen. Henry and Rep. Smith.

Florida

In October, Florida Gov. Jeb Bush ordered tighter controls on issuing driver's licenses to foreigners after the disclosure that three of the Sept. 11 hijackers had overstayed their visas yet had current Florida driver's licenses or state ID cards. Bush ordered that the licenses of foreign drivers expire at the same time as their permits to be in the country. He also directed that motor vehicle officials keep copies of any foreign documents used by license applicants.

Iowa

Iowa's government is building a clearinghouse that state agencies could use to block the issuance of false driver's licenses and other personal identification documents. The Identity-Security Clearinghouse would electronically tie a resident's birth certificate to the issuance of a Social Security number and only one ID document, such as a driver's license. Safeguarding personal identities could reduce identity theft and fraud.

Kansas

Legislation that would help protect Kansans' financial privacy won preliminary approval in the Senate. The bill would require that a person's thumbprint appear on a driver's license or state identification card, along with a photograph. To obtain a driver's license or identification card, a person would have to show proof of age or identity or both. After July 1, 2003, a thumbprint would be required. The legislation also would require an applicant to submit a Social Security number to be checked by the Division of Motor Vehicles. In addition, \$1 would be added to the fee for obtaining a license. That would raise about \$750,000 annually, which would cover the cost of validating the new data.

Kentucky

Foreigners applying for Kentucky driver's licenses must now wait up to 30 days to learn if they are eligible, under one of many changes adopted by the state Transportation Cabinet to ferret out illegal applicants. The state also has begun requiring foreign applicants to present photo identification and to prove they are residents of Kentucky by submitting lease agreements, utility bills or similar documents.

Minnesota

An amendment making non-citizens' drivers licenses a different color from citizens' licenses passed 14-10. Immigrants' representatives say making the licenses look different would subject immigrants to harassment and discrimination. Non-citizens' licenses would also expire at the same time as their visas.

Nebraska

A recent change in the Nebraska Department of Motor Vehicles computer system matches information supplied by Nebraskans with information supplied by the Social Security system.

Additional restrictions in Nebraska include having at least two forms of U.S.-based proof of identification including: birth certificate, a license from out of state that is not mutilated or altered and the signature match, a valid U.S. passport, a valid military identification card, marriage license or divorce decree, a foreign passport, foreign-based birth certificate, parole papers, naturalization papers, certificate of citizenship papers or legal offenders or inmate card.

New Mexico

Governor Gary Johnson signed House Bill 135, allowing the Taxation and Revenue Department to enact a regulation allowing the

department to accept alternative documents for the issuance of a driver's license. Prior to the signing of this bill New Mexico State Law in Chapter 66-5-9B required the Motor Vehicle Division (MVD) to obtain the Social Security Number (SSN) as part of the application for a driver's license. The division receives requests a weekly basis from legal resident aliens who are not eligible for a SSN. Many of those interested in driving privileges are the dependants of contract employees at our national labs, military installations and other high tech industry. Other requests come from international students studying in New Mexico. MVD will accept alternative identification documentation including passports, visas issued by the United States as well as other cards issued by the United States immigration and naturalization service.

West Virginia

West Virginia is on the cutting edge of a national effort to impose tighter restrictions on getting a driver's license. West Virginia is the only state in the nation that uses computer images of applicants' faces to make sure they are who they say they are. And the state is moving toward an even more advanced version of the technology. Facial imaging technology measures the bone structure of applicants' faces. It can then match one face against another. When an applicant gets his or her picture taken, the Department of Motor Vehicles computer compares his or her face against the photo already in the database that is connected to the applicant's name. That system can catch a person who is pretending to be someone else. The system, which had been in place since 1997, has caught 8,000 to 10,000 potential imposters.

Driver's License Summary of State Action

Following the attacks on September 11<sup>th</sup>, most states have undertaken efforts to bolster security in the driver's licensing process. Issues such as license design changes, biometric information, increased penalties for fraud, limited replacement licenses, improved training for Department of Motor Vehicle staff members, and other safeguards are all being considered or have been acted on. Below is a summary of actions taken by states.

Expiration of Visa/DL Expiration

Several states have enacted legislation that ties expiration of an individual's driver's license to the expiration of the immigration visa. Arizona, Florida, Kentucky, Minnesota and Ohio have all passed similar legislation. Additionally, Rhode Island and Michigan have passed legislation that requires driver's license applicants to submit proof that they are in the United States legally.

Increased Identification Requirements

A majority of states have altered the requirements necessary to obtain a drivers license. Previously, in some states, an applicant needed only one form of identification (in some instances, a picture identification was not required). However, following September 11<sup>th</sup>, restrictions have been implemented rendering obtaining a drivers license more stringent, but also, safer. Delaware, Iowa, Kentucky, Minnesota, Nebraska, to name a few have all mandated increased requirements in the driver's license application process.

Technological Changes/Physical Changes to Drivers License

A few states have increased the technological aspects of their motorists' driver's licenses. These changes include biometric identifiers like thumbprints, facial structure, voice or the structure of the eye's retina to establish and verify--Georgia and West Virginia currently use this technology. California, Colorado, Florida, Georgia, Hawaii, Texas, and West Virginia currently collect fingerprints in the driver's licensing process, although only Georgia uses them to verify identity when issuing replacement licenses. Additionally, other states have mandated the implementation of a central database containing information on license holders. Kansas has passed legislation requiring a person's thumbprint appear on the driver's license. Nebraska, in 2003, will introduce a digital license containing personal information on a magnetic barcode. Connecticut will, effective July 1, 2002, issue a new driver's license containing: 1) A 2-D Bar Code with encrypted information, 2) "One-to-one" biometric facial recognition capability, and 3) Six state-of-the-art "overt" and "covert" security features. Minnesota has passed legislation that makes noncitizen's driver's license a different color from a citizen's license.

Federal Support Against ID Fraud

The federal government has also worked to aid states in the fight against ID fraud. With the passage of the USA Patriot Act, states are prohibited from issuing or renewing the license of anyone seeking to transport hazardous materials unless the U.S. Department of Transportation has cleared the individual seeking the license of any security concerns. Additionally, the Department of Justice must also perform a background investigation into the individual prior to issuance or renewal of a license.

Driver's License Legislation

State	Bill #	Summary	Last Action as of May 2002
Alaska	HB 344	Increase fees for non commercial driver's licenses and identification cards	January 18, 2002:

		to allow state to convert to digital technology for identification cards and driver's licenses	Introduced. April 15, 2002: Passed House. May 1, 2002: Do Pass from Senate Finance Committee.
Alabama	HB 419	Authorizes the Department of Public Safety to implement security upgrades for driver licensing including features to aid law enforcement in determining whether the vehicle belongs to the license holder and bar codes with criminal history.	Died at end of regular session.
Arkansas	HB 1028	Allows passport photographs to be used on driver's license and allow for thumbprint on driver's license to be optional.	March 23, 2001: Withdrawn by Author.
Arizona	HB 2255	Removes provisions requiring proof of legal presence in United States under federal law and allowing other documents in lieu of social security number. Also, adding provision that possession of a driver's license is not proof of U.S. citizenship.	January 21, 2002: read second time in House.
	SB 1459	See HB 2255	March 14, 2002: Held in Committee
California	AB 60	Allows use of individual taxpayer identification number in lieu of social security number when social security number is not available. Requires showing of lawful presence in the United States, or that application for lawful immigration status has been initiated. Limits the duration of licenses or identification cards issued under these circumstances to 3 years.	Passed both Houses, then withdrawn from enrollment by author: January 14, 2002.
	AB 2112	Non-residents 21 years of age or older, transporting hazardous materials must have hazardous materials endorsement that is recognized by the state.	February 19, 2002: Introduced. May 9, 2002: Passed Assembly, in Senate to Rules Committee
	AB 1155	Makes it a crime for a government employee knowingly assist another person in obtaining a driver's license, identification card, or other document issued by Department of Motor if the employee knows that the person is not entitled to that document and that the person intends to use the document for an unlawful purpose.	Passed Assembly June 5, 2001. June 12, 2001: in Senate Committees on Public Safety and Rules.
	AB 1474	Requires the DMV to cross-reference thumb or fingerprints collected at application for driver's license or identification cards with state Department of Justice database to prevent fraud. Increases driver's license fees to pay for system. Bill also prohibits use of this information by third parties.	Passed Assembly June 4, 2001. June 12, 2002 referred to Senate Transportation Committee.
	AB 1754	Creates conspiracy misdemeanor for individuals other than government employees who assists another in obtaining a DMV document (e.g. driver's license or identity card) punishable by up to 6 months jail and/or \$50,000 fine.	May 23, 2002: Assembly Committee on Public Safety voted do pass.
	AB 2113	Creates misdemeanor for government employee to assist an individual in	May 14, 2002:

		fraudulently obtaining a DMV document. Mandates that renewal of driver's licenses and identity cards must be made in person and requires DMV to compare photographs and likeness of information provided for issuance of new, or duplicate license or I.D.	Assembly Committee on Public Safety voted to pass. May 16, 2002: Referred to Appropriations Committee.
	SB 661	DMV to create biometric identifier from the collect thumbprint at application for driver's license or identification card.	Died February 4, 2002.
	SB 1254	Expands "personal identifying information" in identity theft law to include federal driver's license, biometric information, and other specified information. Also, this legislation increases penalties related to possession of identity information.	Passed Assembly May 8, 2002. May 20, 2002: in Senate Committee on Public Safety.
Colorado	SB 112	Requires that to receive a driver's license while using an out of state license for proof of age from a state that does not require licensee to be present in the U.S. lawfully, additional documentation is needed to prove lawful presence.	April 2, 2002: Signed by Governor.
	SB 67	Authorizes the division of motor vehicles to issue a driver's license, temporary license, or identification card to a person with an individual taxpayer identification number issued by the internal revenue service. Eliminates the prohibition against issuing a driver's license, temporary license, or identification card to a person who is not legally in the country.	Introduced: January 11, 2002. Died in Senate Committee on Government, Veterans and Military Relations, and Transportation: February 14, 2002.
	HB 1187	Decreases the term validity of a driver's license or identity card from 10 to 5 years.	April 3, 2002: postponed indefinitely (dead) in House appropriations committee.
Connecticut	HB 5759	Allows Commissioner of Motor Vehicles to fingerprint applicants for driver's licenses.	Signed by Governor: June 3, 2002.
	SB 19	Adds individual's photograph, digitized image and social security number to definition of "highly restricted personal information" to be disclosed only in accordance with 18 U.S.C. 2721 (FEDERAL DRIVER'S PRIVACY PROTECTION ACT)	March 12, 2002: incorporated into SB 20 (Signed by Governor June 3, 2002)
Delaware	SB 287	Requires social security number and proof of legal residence in the United States to receive a driver's license or identification card, and revocation if individual is deported.	In Senate Public Safety Committed, January 22, 2002
	SB 299	Ties expiration of driver's license and identity cards to the date of expiration of legal presence in the United States. Requires proof of continued legal presence upon renewal.	Introduced March 12, 2002. In Senate Public Safety Committed.
	SB 310	Fixes expiration of driver's license to date of termination of legal residence in the United States.	Introduced March 14, 2002. In Senate

			Public Safety Committed.
Florida	HD 223	Provides, that foreign residents who are in Florida with a visa and who are issued a Florida driver's license, that the driver's license shall expire 4 years after the date of issuance or upon the expiration of the visa, whichever date first occurs; prohibits renewal of a driver's license to a person who has been issued a visa unless the person presents a valid visa at the time of renewal.	Tabled: March 14, 2002.
	HB 899	Similar to SB 306 (Enacted)	Died: March 22, 2002
	SB 306	Adds provisions to fraudulent driver's license or identification card manufacture or sale. Allows investigation of activities by law enforcement.	Approved by Governor April 25, 2002 (Chap. 2002-178).
	SB 520	Revises application requirements for driver's licenses and identification cards including use of out of state licenses from states that require submission of documentation of legal presence in the United States. Applicants may include submission of fingerprints. If nonimmigrant status is documented, expiration of the license is the date of expiration of those documents with a maximum of two years duration. If green card is used for identification the license shall expire on the fourth birthday after issue and individual is exempted from renewal in person. If identity is established by employment authorization card or any document for showing nonimmigrant classification, expiration is 4 years (or on the expiration of the document if sooner) after issue and requires renewal in person (changes of name or address must also be made in person). Also, amends statutes related to fraudulent manufacture and sale of driver's licenses and identification cards.	Passed Senate February 20, 2002. Passed House as amended: March 20, 2002. Senate concurred: March 22, 2002. Presented to Governor: April 30, 2002. Signed May 15, 2002.
	SB 324	Foreign residents who are in Florida with a visa and who are issued a Florida driver's license, that the driver's license shall expire 4 years after the date of issuance or upon the expiration of the visa, whichever date first occurs; prohibits renewal of a driver's license to a person who has been issued a visa unless the person presents a valid visa at the time of renewal.	Died in Senate Transportation Committee: March 22, 2002.
Georgia	HB 1008	Licenses expire upon ending of legal authorization in the United States. New licenses issued shall indicate whether the licensee is a U.S. citizen and the date of the end of their legal authorization in the United States.	Read for second time in House: January 16, 2002.
	SB 480	Similar to HB 1008	Read and referred in Senate February 25, 2002.
	HB 851	Changes the definition of 'Resident' to a person who, except for infrequent, brief absences, has been present in the state for 30 or more days; provided, however, that any person's status as a resident shall be determined without regard to whether such person is either a United States citizen or an alien with or without legal authorization from the U.S. Immigration and Naturalization Service.	March 7, 2001: read second time.
	HB 983	Allows use of driver's license issued by a state that borders Georgia or a license issued by a country that borders the United States for driving in the state.	Introduced January 14, 2002.

	HB 1131	Creates crime for manufacture, sale, or distribution of any counterfeit or altered driver's license or identification card and establishes penalties.	January 30, 2002: To House Committee on Special Judiciary.
Hawaii	HB 926	Allows use of unexpired passport in lieu of birth certificate to prove U.S. citizenship for issuance of identification certificate from the state.	Carried over from 2001. Died at end of 2002 session May 2, 2002.
	HB 986	Creates the felony for sale or manufacture of deceptive identification document.	Approved by Governor June 13, 2001 (Act 230)
	SB 645	Relating primarily to underage drinking-this bill requires magnetic strips or bar codes to be placed on all driver's licenses and identification cards to allow for electronic verification of age at the time of alcohol sales.	Passed Senate March 6, 2001. Carried over from 2001. Died at end of 2002 session May 2, 2002.
	SB 786	Creates felony offense for the manufacture or sale of false identification to an individual under the age of twenty-one.	Carried over from 2001. Died at end of 2002 session May 2, 2002.
Illinois	HB 3382	Amends the Illinois Vehicle Code; allows the Secretary of State to accept an alternate form of identification for an applicant for a driver's license who does not have a Social Security Number; provides that a temporary license may be issued to an applicant if he or she is applying for a non-photo driver's license for religious reasons or as a result of facial disfigurement and is waiting for that application to be processed.	In Rules Committee: May 23, 2001.
	HB 4174	As amended, requires Department of State Police and Secretary of State to develop a policy for collecting and encoding fingerprint information on driver's licenses and identification cards. Requires report to be submitted by April 1, 2003 on proposed policy, fiscal impact and suggested legislative measures.	April 5, 2002: In House Rules Committee.
	HB 4472	Revises vehicle code to add prohibition of knowing use of use of fraudulent or altered driver's license or identification to purchase a ticket on, or board, a "common carrier."	Passed Both Houses: May 7, 2002.
	HB 4951	Increases penalties for manufacturing or using false information to obtain a fictitious driver's license or identification card. Also, increases penalties for possession, manufacturing, etc. of a false driver's license or identification card.	April 5, 2002: In House Rules Committee.
	SB 167	Provides that the Secretary of State shall license applicants request substitute for the applicants Social Security number his or her federal tax number or an alternative identifying number to be assigned by the Secretary.	May 22, 2001: In Senate Rules Committee, Co- sponsor added.
	SB 1926	Driver's licenses and identification cards issued to persons under the age of 21 shall include the date upon the person turns 21 years of age.	Sent to Governor May 22, 2002.
	HR 4	Urges the state Attorney General to review the policies or requiring SSN at application for state driver's license.	Resolution Adopted, March 21, 2001.

Iowa	HB 2608	Application for driver's license to include race.	March 28, 2002: In House Transportation Committee
	SB 2192	Allows Department to waive social security number requirement for persons that are not foreign nationals temporarily present in the state. Also adds provision so that licenses and identification cards issued to foreign nationals shall expire with their legally present status, with duration not exceeding two years.	Signed by Governor: April 4, 2002.
	SB 2302	Licenses and identification cards issued to foreign nationals shall expire concurrent with their legal status, not exceeding two years.	February 26, 2002: In Senate Transportation Committee.
	HB 647	Amends provision relating to the release of digital photographs to allow for their release to state and federal agencies in performance of their duties.	Signed by Governor: April 26, 2001.
Kansas	HB 2135	Amends language relating driver's licensing, allowing use of IRS taxpayer identification number.	Introduced: January 24, 2002. Referred to House Judiciary Committee: February 28, 2002.
	SB 410	Adds digital images to "motor vehicle records" that are not to be disclosed. Amends purposes and procedures for how and when those records can be disclosed including their use for carrying out law enforcement.	Approved by Governor April 24, 2002.
	SB 559	Requires facial recognition identifier. Requires social security number. Requires legal presence in the United States. Temporary driving permit can be issued to individual not lawfully present in the United States that possess an IRS taxpayer identification number and can show KS residency. The temporary permit is revoked on expiration of visa and must be renewed annually.	Passes Senate: March 12, 2002. Failed in House: April 11, 2002.
Kentucky	HB 106	Implements a statewide child identification program where children between ages of 2 and 15 can be issued a non-driver identification card where picture taken for the card is stored in the driver license information system.	April 9, 2002: Signed by Governor (Acts ch. 261)
	HB 188	Requires the circuit clerk to verify a person's driving status in the National Drivers Register before issuing the person a Kentucky license; requires applicants for a license to provide proof of residency; prohibits the issuance of a nondriver's identification card to any person who has a driver's license or instruction permit. License expiration when visa expires or one year, whichever is shorter. License renewal always one year.	April 9, 2002: Signed by Governor (Acts ch. 264)
	HB 189	Requires all new applicants and persons initially renewing a commercial driver's license to undergo a state and national criminal background check. Allows a non-resident to be issued a CDL instruction permit and CDL if the person is enrolled in a truck-driving program. Requires that non-residents be issued a provisional Class D license for the purpose of including a CDL instruction permit into a single license.	April 5, 2002: Signed by Governor (Acts ch. 204)
	HB 867	Creates a 16 member task force to analyze the cost to implement a process to issue secure and tamper-proof digitized driver licenses	Passed House: March 19, 2002 In

			Senate Transportation Committee: March 25, 2002.
	HB 205	Requires the Social Security number of an applicant for an operator's license only if the applicant has a Social Security number; expands the list of eligible documents used by foreign nationals applying for a Kentucky operator's license.	January 9, 2002: to House Transportation Committee.
Louisiana	SB 89 A	Ties expiration of visa to the expiration of driver's license, and prohibits nonresident alien from providing false information regarding lawful presence at application.	Signed by Governor: April 18, 2002.
	HB 107A	Removes identification cards issued by federal, state, or local government agencies and out-of-state driver's licenses from the list of identification documents and adds permanent resident alien cards issued after July 1997. Allows department to issues licenses and identification cards for a duration of less than years based on evaluation of immigration information.	Introduced March 25, 2002. April 1, 2002: In House Transportation Committee.
Maine	HB 80 (LD 89)	Eliminates the requirement that a person submit a SSN for application for driver's license.	Introduced January 9, 2001. Died on May 16, 2001.
	HB 850 (LD1122)	Exempts clergy from submitting SSN for driver's license	Died on April 30, 2001.
	SB 192	Repealing requirement that an individual who applies to the Motor Vehicle Administration for an application for an identification card may not have a driver's license; and repealing a requirement that a holder of an identification card surrender the identification card upon being issued a driver's license by the Administration.	
Maryland	HB 1036	Authorizes the Motor Vehicle Administration's investigative division can issues citations for violations related to the issuance of identification laws.	Signed by Governor: April 25, 2002 (Chapter 100)
	SB 639	HB 1036	Vetoed by Governor May 15, 2002. Cross filed bill (HB 1036) was signed.
	SB 192	Repeals a requirement that an individual who applies for an identification card may not have a driver's license. Also repeals a requirement that a holder of an identification card surrender the identification card upon being issued a driver's license.	February 18, 2002: Senate Judiciary Proceedings Committee reported unfavorably.
Massachusetts	HB 1268	Amends current law so as not to allow holders of valid out of state licenses to apply for a state liquor purchase identification card.	House Committee reported May 23, 2001.
	HB 3087	Allows employees of liquor establishments to confiscate identification cards and licenses believed to be fraudulent.	Bill now accompanies a study order (HB 5031) Discharged to House Committee on

			Rules: April 23, 2002.
	HB 3391	Eliminates the requirement that applicants for certain licenses provide their social security numbers. (not sure if this includes DL)	
Michigan	HB 4037	Increases penalty for fraudulent duplication of driver's license. Establishes penalty for possession of fraudulent license.	Approved by Governor: April 9, 2002 (Public Act 126-02)
	HB 5041	Bill was tie-barred to HB 4037	
	HB 5497	Prohibits the secretary of state from issuing a driver license to a person who is in the United States unlawfully. Further, the bill specifies that the expiration of a legal alien's license would be the customary expiration date (on the birthday of the person in the fourth year following the date of issuance), or the date on which that person's presence in the United States became unlawful, whichever occurred first.	Passed House: February 7, 2002. In Senate Committee on Transportation and Tourism: February 13, 2002.
	HB 5504	Requires applicant for HAZMAT to provide fingerprints. No license will be granted if violation under "Terrorism" section of MI criminal law. Revocation for violation of "terrorism" or if individual if DMV has been notified that the individual is a security risk under the U.S. Patriot act by the U.S. DOT.	Passed House: February 28, 2002. Amended in Senate and Passed March 21, 2002. Houses Concurred April 18, 2002. Approved by Governor: May 2, 2002 (Public Act 259-02)
	SB 931	Prohibits issuance of identification card to individuals not lawfully present in the United States. Issued identification cards will expire on the date presence is no longer lawful.	Passed Senate: February 6, 2002. In House Committee on Transportation: February 6, 2002.
	SB 935	Requires submission of fingerprints for group designation for license. Criminal background checks.	December 11, 2001: In Senate Committee on Transportation and Tourism.
	SB 943	Establishes penalty for transporting items requiring labeling under federal regulations for hazardous materials. Prohibits transport of hazardous materials without proper endorsement.	Approved by Governor April 9, 2002 (Public Act 118-02)
	SB 955	Increases penalty for fraudulent reproduction or alteration of a driver's license.	December 13, 2001: In Senate Committee on Transportation and Tourism
	SB 960	Requires lawful presence in the United States to obtain a driver's license. Department may report information on the illegal status of an individual found in examination of documents submitted for driver's license.	December 13, 2001: In Senate Committee on

			Transportation and Tourism
Minnesota	HF 2622	Requires proof of residency in state for driver's license application and renewal. Requires proof of lawful presence in the United States. Driver's license from another U.S. state is proof of lawful presence. If presence is only lawful for 30 days or less no license can be issued. Licenses issued expire on the date legal presence ends or the earlier of 4 years. Incorporates federal regulations for HAZMAT endorsement.	Action
	HB 2487	Requires proof of residency in state for driver's license application and renewal. Requires proof of lawful presence in the United States. Driver's license from another U.S. state is proof of lawful presence. If presence is only lawful for 30 days or less no license can be issued. Licenses issued expire on the date legal presence ends or the earlier of 4 years.	Action
	HB 2946 SB 2683 SB 2855	Among other provisions, if applicant is not a citizen or permanent alien, license expires on date visa expires.	Action
	HF 3686	Resolution urging the U.S. Congress to repeal federal law requiring states to record social security number on application for a driver's license.	March 12, 2002: Introduced.
	SF 3327	Companion to HF 3686	February 20, 2002: Referred to Senate Transportation Committee.
	HF 2122	Prohibits making or possessing a counterfeit driver's licenses or identification cards or having materials for counterfeiting.	April 17, 2001: Committee reported to pass as amended.
	SF 1711	Companion to HF 2122	May 7, 2001: Referred to Senate Judiciary Committee.
Mississippi	HB 1348	Driver's licenses and identification cards issued to non-U.S. citizens shall expire in one year.	Died in Committee: February 5, 2002.
	SB 2737	Driver's licenses and identification cards issued to non-U.S. citizens shall expire in one year.	Passed Senate: February 13, 2002. Died in House: March 5, 2002.
Missouri	HB 1416	Requires person with immigration visa to notify the Director of Revenue of that fact upon application for driver's license.	March 19, 2002: Executive session held, voted do pass.
	HB 1462	Details not available	Introduced January 15, 2002; Withdrawn by author January 16, 2002.
	HB 1881	Allows the Director of the Department of Revenue to require allens, at the	Passed House: April

		time of application for a driver's license, to provide a translated and notarized copy of a birth certificate in addition to all other required information. Also allows <b>individual taxpayer identification number (ITIN)</b> instead of social security number.	4, 2002. April 15, 2002: Senate Committee voted Do Pass.
Nebraska	LB 924	Authorizes the use of biometric identifiers on driver's licenses and identification cards.	Died April 19, 2002.
	LB 574	Provides for the implementation of a digital system (for signatures and photos) for issuance of motor vehicle operators' licenses and identification cards.	Signed by Governor March 28, 2001.
New Hampshire	HB 1456	Creates a misdemeanor for any person to knowingly scan, record, retain, or store, in any electronic format, personal information obtained from any driver's license, unless authorized by the department of safety.	Signed by Governor: May 17, 2002.
New Jersey	AB 3922	Under current law, licenses are not granted to individual's not lawfully present in the United States. This bill addresses the problem of illegal aliens presenting false documents in order to receive a license. These bills also would close a loophole which has allowed certain aliens whose green cards have expired to retain a legal driver's license. The bill would require any license or identification card issued to an alien to expire on the date the alien's authorization to be in the United States expires.	November 19, 2001: Introduced and referred to assembly appropriations committee.
	SB 2630	Identical to AB 3922	November 29, 2001: Combined With S2708
	SB 1159	Makes the forgery of means of identification, including a driver's license, a crime of the third degree	February 25, 2002: Introduced and referred to Senate Judiciary Committee
	SB 1332	Identical to AB 1346. Amends offenses related to unlawful use of "personal identifying information."	Introduced and referred to Senate Judiciary Committee: March 14, 2002
	AB 1346	Identical to SB 1332.	Second reading February 4, 2002.
	SB 2708	Driver's license and identification card expiration shall be fixed to end of legal presence in the United States. Director may refuse to grant a license if there is reason to suspect any identification documents are false until they are verified. Requires the use of digital pictures on driver's license. Allows the use of non-laminated licenses if they are secure. Allows the storage of motor vehicle information, digital photo and digital signature on a magnetic strip on the license.	January 8, 2002: Approved (P.L.2001, c.391).
New Mexico	HB 135	Allows Secretary to establish, by regulation, other documents that may be accepted instead of social security number.	Signed by Governor February 28, 2002.
New York	AB 9603	Allows the use of the individual tax identification number when a legal immigrant applies for a driver's license.	January 11, 2002: In Assembly Transportation

			Committee.
	AB 9835	New York State driver's license of a resident from a foreign country, who has been issued a visa in this state, shall expire upon the expiration of the visa.	May 14, 2002: held for consideration in Assembly Transportation Committee.
	SB 6062	Concurrent expiration of driver's license and visa.	May 5, 2002: amended in Senate Transportation Committee.
	AB 9586	Drivers licenses of aliens lawfully admitted for permanent residence in the United States and in New York to provide for concurrent expirations of such alien's visa and driver's license.	Amended in Transportation Committee: May 10, 2002
	AB 9738	Allows the use of alternate forms of identification where an applicant for a driver's license does not have a social security number or an individual tax identification number.	January 22, 2002: referred to Assembly Transportation Committee
	SB 2721	Every applicant for a driver's license on non-driver identification card will be required to submit proof that the applicant's presence in the United States is lawful under federal law.	Ordered to third reading with amendments March 12, 2002.
North Carolina	SB 600	Orders Division to recall all driver's licenses issued with invalid or fictitious social security number and reissue licenses upon showing a valid social security number.	Passed Senate April 25, 2001, in House Committee as of October 10, 2001.
Ohio	SB 184	Makes all licenses issued to temporary residents nonrenewable and may not be relied upon to obtain a license in another state. Nonrenewable license expires on same date on legal presence document.	Signed by Governor: May 15, 2002.
Oklahoma	HB 2887	Requires applicants for driver's license or identification card to submit fingerprint to be placed on driver's license.	Failed: March 6, 2002.
	SB 982	Requires applicants for driver's license or identification card to submit fingerprint to be placed on driver's license.	Passed Senate: February 28, 2002. Failed in House: April 16, 2002.
	HB 1308	Authorizes the use of fingerprints to prove identity for license or identification card. Adds fingerprint image to personal identifying information exception for state open records act. Also adds provision providing for \$1 of license renewal fees, \$3 of identification card renewal fees and \$5 of license replacement fees are deposited into Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department. Provides for licenses that bear the social security number shall be replaced with a computer generated number.	Signed by Governor: June 4, 2001.
	HB 2277	Increases fine for providing false identification documents. Increases fine for employee knowingly issuing a state driver's license to a person	February 5, 2002: to House Criminal

		providing false information.	Justice Committee.
Pennsylvania	HB 2416	Establishes thumbprint or other biometric database to be used for authentication of an individual's identification for driver's licensing purposes only.	Referred to Transportation Committee March 13, 2002.
Rhode Island	HB 6923	Requires all driver's license applicants to furnish proof that they are lawful residents of the United States. This act would take effect upon passage.	January 30, 2002: Scheduled for hearing and/or consideration in House Corporations Committee.
	HB 7208	Resolution creating a commission to study the feasibility of encrypting state identification cards and driver's licenses with bar codes.	February 5, 2002: to House Finance Committee.
South Carolina	HB 4670	Permits certain persons from other countries who are present in South Carolina on a student visa or on a work visa or their dependents to obtain a driver's license or have their driver's license renewed by showing a valid INS, DOJ, or DOS document.	Passed Both Houses: May 16, 2002.
South Dakota	HB 1259	Adds race to information that must be provided at application for, and displayed on, a driver's license	Died at end of regular session.
Tennessee	HB 2695	Creates list of primary and secondary documents allowed for proof of identity and state residency.	Carried over to 2003 session.
	SB 2680	Identical to HB 2695.	In Senate Transportation Committee: April 23, 2002.
	HB 3486	Requires the Department to examine the state's licensing requirements in view of homeland security issues and report findings and recommendations.	On calendar in House for May 22, 2002.
	SB 3139	Identical to HB 3186	Passed Senate April 24, 2002, In House.
	HB 2028	Requires affidavit stating that no social security number was issued and the submission of IRS I 94 form in order for a person without a social security number to be issued a license; redefines "resident" for purposes of driver's license issuance.	January 15, 2002: Assigned to subcommittee on Transportation Safety and Planning.
	HB 2029	Removes provision allowing person without social security number to obtain license.	April 23, 2002: Action defeated in subcommittee on Public Transportation and Highways.
	SB 1999	Identical to HB 2029	Assigned to subcommittee of Transportation:

			April 23, 2002
	SB 1266	Authorizes person without social security number to receive driver license if person submits an affidavit affirming that they have never been issued social security number. Also allows noncitizens to be given a driver's license if they provide proper documents demonstrating identification.	Signed by Governor: May 3, 2001.
	HB 933	Identical to SB 1266	See SB 1266
Texas	HB 396	Allows use of other documents if applicant for driver's license does not have a social security number including a tax identification number or a letter from the social security administration. Bill also includes list of documents to prove identity at application for driver's license including a passport, foreign work permit that bears a photograph or any other proof of identity satisfactory to the Department.	June 17, 2001: Vetoed by Governor. Note: Texas had no 2002 session.
Utah	HB 187	Becomes class C misdemeanor to alter date on driver's license or to use a false or modified identification card.	Signed by Governor: March 18, 2002.
	HB 101	Requires race information be provided at application for driver's license or identification card.	Bill substituted now requires law enforcement agencies to adopt policies against unconstitutional traffic stops (February 7, 2002).
	SB 133	Allows a driver's license or identification card applicant to provide an affidavit if they do not qualify for Social Security number or temporary identification number; requires an applicant for a driver license or identification card to provide a Utah residence address.	Defeated March 6, 2002.
	HB 350	Repeals provision allowing IRS temporary identification number at application for driver's license. Bill further requires applicants to provide Utah residence address.	Died March 6, 2002.
Vermont	HB 588	Requires the department of motor vehicles, at the time of issuing a motor vehicle operator's license, to check the identity and background of the applicant through the National Crime Information Center and the Social Security Administration.	Passed House March 20, 2002. March 22, 2002: read first time in Senate.
Virginia	HB 14	Increases fraudulently obtaining or aiding another in fraudulently obtaining a state driver's license from a Class 2 misdemeanor to a Class 4 felony. Requires legal presence in the United States to obtain a license or identification card and ties expiration date to the date of legal presence.	Incorporated by HB 638: February 5, 2002.
	HB 637	Requires the Department of State Police and the Department of Motor Vehicles to enter into agreements with the US Department of State, the INS and other federal law-enforcement agencies to bring about the interchange of information concerning those aliens residing in the US who hold or apply for Virginia driver's licenses.	Approved by Governor: April 2, 2002 (Chap. 412).
	HB 638	Using false identification for any purpose other than engaging in age limiting activity becomes a Class 6 felony. Prohibits the use of immigration visas and written statements for proof of Virginia residency. Allows for individuals under the age of 19 to show proof of their parent's residency	Approved by Governor: April 7, 2002 (Chap. 767).

		as proof of their own. Directs the Director of the DMV to study and report back any other modifications that may be needed to enhance the identification and residency requirements.	
	HB 798	Requires non-U.S. citizen applicants for driver's license to submit a fingerprint.	Carried over to 2003
	SB 62	Requires thumbprint or other biometric for application for driver's license	Passed Senate: January 30, 2002. Failed in House: February 21, 2002.
	SB 162	Identical to HB 638	Approved by Governor (Chap. 834).
	SB 376	SB 62.	Incorporated by SB 62: January 24, 2002.
	HB 415	Requires applicants for driver's licenses, commercial driver's licenses, temporary driver's permits, learner's permits, motorcycle learner's permits, and special identification cards to submit documentary proof of their name, date of birth, and Virginia residency.	Incorporated by HB 638 (enacted). February 5, 2002.
	HB 630	Creates class 1 misdemeanor for creating for another a forged or false driver's license.	Tabled in Committee: January 21, 2002.
Vermont	SB 298	Bill, as introduced, added language that tied expiration of driver's licenses to the expiration of visa. Entire bill was struck and replaced through a Senate amendment.	Passed Senate: April 16, 2002. Amended in House: May 16, 2002.
Washington	HB 2420	Improves the security of Washington state driver's licenses by verifying the citizenship or legal residence of applicants for driver's licenses in Washington and verifying the Social Security numbers of applicants for driver's licenses in Washington.	Referred to Select Committee on Community Security: January 16, 2002.
Wisconsin	AB 789	Requires DOT to take a thumbprint of all applicants for driver's licenses and identification cards.	March 26, 2002: Failed to pass.
Wyoming	HB 153	Would allow use of temporary identification number issued by IRS for persons who do not have a social security number at application for driver's license.	February 14, 2002: Introduced and referred to House Transportation and Highways Committee.

APPENDIX B

Location of Driver's License Issuing Authority by State

State	DMV Location
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Alabama	Public Safety
Alaska	Department of Administration
Arizona	Department of Transportation
Arkansas	Finance and Administration
California	Finance
Colorado	Revenue Cabinet
Connecticut	Own Department
D.C.	New Separate Department
Delaware	Department of Public Safety
Florida	Highway and Safety of Motor Vehicles
Georgia	Department of Public Safety
Hawaii	Hawaiian DMV Special Processing Unit- Private
Idaho	Department of Transportation
Illinois	Secretary of State
Indiana	Bureau of Motor Vehicles
Iowa	Department of Transportation
Kansas	Division of Motor Vehicles
Kentucky	Transportation Cabinet
Louisiana	Department of Public Safety
Maine	Secretary of State
Maryland	Department of Transportation
Massachusetts	Registry of Motor Vehicles
Michigan	Secretary of State
Minnesota	Department of Public Safety
Mississippi	Department of Public Safety
Missouri	Department of Revenue
Montana	Department of Justice
Nebraska	Department of Motor Vehicles
Nevada	Department of Motor Vehicles

New Hampshire	Department of Safety
New Jersey	Department of Transportation
New Mexico	Taxation and Revenue Cabinet
New York	Department of Motor Vehicles
North Carolina	Department of Transportation
North Dakota	NA
Ohio	Division of Motor Vehicles
Oklahoma	Tax Commission
Oregon	Department of Transportation
Pennsylvania	Department of Transportation
Rhode Island	Department of Motor Vehicles
South Carolina	Department of Public Safety
South Dakota	Department of Commerce & Regulation
Tennessee	Department of Safety
Texas	Department of Public Safety
Utah	State Tax Commission
Vermont	Department of Motor Vehicles
Virginia	Department of Motor Vehicles
Washington	Department of Licensing
West Virginia	Department of Transportation
Wisconsin	Department of Transportation
Wyoming	Department of Transportation

## APPENDIX C

## Interstate Compacts

Interstate compacts are the most powerful, durable, and adaptive tools for ensuring cooperative action among the states. As one of the oldest mechanisms for states to work together, their use predates the founding of the nation. Unlike federally imposed mandates that often dictate unfunded and rigid requirements, interstate compacts provide a state-developed structure for collaborative and dynamic action, while building consensus among the states. The very nature of an interstate compact makes it the ideal tool to meet the demand for cooperative state action to develop and enforce stringent standards, while providing an adaptive structure - through an interstate commission or governing authority - that can evolve to meet new and increased demands over time. Today, there are over 200 interstate compacts that have been identified by CSG.

Interstate compacts are adopted by individual states when enabling legislation is enacted. They are subject to the substantive principles

of contract law and are protected by the constitutional prohibition against laws that impair the obligations of contracts (US Constitution, Article 1, Section 10). Once enacted, compacts may not be unilaterally renounced by a member state, except as provided by the terms of the compacts themselves. Compacts often contain their own enforcement mechanisms and courts can compel compliance with their terms. These elements make compacts the most effective means of ensuring interstate cooperation.

#### General Purposes

- Establish a formal, legal relationship among states to address common problems or promote a common agenda.
- Create independent, multi-state governmental authorities (e.g., commissions) that can address issues more effectively than a state agency acting independently, or when no state has the authority to act unilaterally.
- Establish uniform guidelines, standards, or procedures for agencies in the compact's member states.
- Create economies of scale to reduce administrative and other costs.
- Respond to national priorities in consultation or in partnership with the federal government.
- Retain state sovereignty in matters traditionally reserved for the states.
- Settle interstate disputes.

#### Examples of Interstate Compacts

Recent examples of interstate compacts illustrate the effectiveness of compacts in solving and addressing critical multi-state issues.

##### Emergency Management Assistance Compact

The Emergency Management Assistance Compact (EMAC), is a mutual aid agreement and partnership between states that exists because all states share a common enemy: the constant threat of disaster.

- EMAC allows states to assist one another during emergencies. EMAC offers a quick and easy way for states to send personnel and equipment to help disaster relief efforts in other states. There are times when state and local resources are overwhelmed and federal assistance is inadequate or unavailable. Out-of-state aid through EMAC helps fill these gaps.
- EMAC establishes a firm legal foundation. Requests for EMAC assistance are legally binding, contractual arrangements that make states that ask for help responsible for reimbursing all out-of-state costs and liable for out-of-state personnel. States are assured that sending aid will not be a financial or legal burden for them.
- EMAC provides fast and flexible assistance. EMAC allows states to ask for whatever assistance they need for any emergency, from earthquakes to acts of terrorism. EMAC's simple procedures also mean states can dispense with bureaucratic wrangling.

Since being approved by Congress in 1996 as Public Law 104-321, 46 states and two territories have enacted EMAC, and other states are in the process. EMAC played a critical role during the September 11, 2001 attacks by providing assistance to those states in need.

##### Interstate Compact on Adult Offender Supervision

The Council of State Governments, in collaboration with the National Institute of Corrections, has supervised the development and is currently overseeing the introduction and enactment of the Interstate Compact for Adult Offender Supervision. At issue is one of the most significant public safety issues in the nation - the management, monitoring and supervision of adult parolee and probationers in states other than where they were sentenced. The current Interstate Compact, having been in place for more than 60 years, no longer supports an evolving criminal justice system. The new compact will ensure that states can effectively manage adult parolees and probationers who travel to, or are supervised in, states other than where they were sentenced.

Primary changes to the Original Interstate Compact (1937) include:

- The establishment of an independent compact operating authority to administer ongoing compact activity.
- Gubernatorial appointments from all member states on a national governing commission that meets annually to elect national commission members, who serve as the compact's governing body.
- Rule-making authority and provision for significant sanctions to support essential compact operations.
- A mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, training/education, etc.)

- Compelling collection of standardized information.

The new compact was enacted by 36 states in just 30 months and has been introduced in many others. Following the adoption by the 35<sup>th</sup> state (Pennsylvania on June 19, 2002), the compact became fully operational. It is likely to be a full 50 state compact by 2004.

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**Denver Office:** Tel: 303-364-7700 | Fax: 303-364-7800 | 7700 East First Place | Denver, CO 80230 | [Map](#)

**Washington Office:** Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street, N.W., Suite 515 | Washington, D.C. 20001



Temporary Visitor  
Status Exp. 05-10-06

8/17/06

Sw Duane Bannock. He said she came in to the DMV on 5/8/06 & got an Alaskan DL that expires in 5 yrs. He's checking with Immigration to see if she is still here legally.

State of Alaska Division of Motor Vehicles Standard Operating Procedures	SOP No.: <u>D-20</u>	Page No.: 1
	Effective: July 1, 2006	
Subject:	Supersedes: D-20	Dated: 6/1/00
IDENTIFICATION AND PROOF OF DATE OF BIRTH	Form No.: <u>478</u>	
Statute: AS 28.15.061	Regulation: 2 AAC 90.420(b)	

[Alterations](#) | [Foreign](#) | [Lost AK](#) | [Lost OOS](#) | [Primary ID](#) | [Secondary ID](#)

**IDENTIFICATION AND PROOF OF DATE OF BIRTH**

Every person who makes an **original** application for a driver's license, permit or ID card must furnish documentary proof of their legal name, date of birth, social security number and residence address as outlined below. An applicant for a permit or driver license must also furnish proof that they have passed the required tests.

CERTIFICATION BY CORRECTIONS, PROBATION OR ALASKA CHILDREN'S SERVICES IS NOT ACCEPTABLE.

**ITEMS REQUIRED FOR AN ORIGINAL ALVIN RECORD (ID, IP, D, OR CDL)**

- Legal Name & Date of Birth
- Secondary item as verification of the primary document
- Social Security Number
- Their current residence address

Please see the following for further information on each of these items.

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**LEGAL NAME & DATE OF BIRTH (PRIMARY DOCUMENTS)[2 AAC 90.420 (b)]**

The following documents are acceptable for proving legal name and date of birth. If the applicant's legal name is different than what is printed on their birth certificate, they will need to bring in the document(s) that provide proof of the name change.

- An original or certified copy of a U.S. birth certificate (From Vital Statistics)
- U.S. Passport or Canadian Passport (Must be current)
- An Alaska learner's permit, driver license or State Identification card.
- U.S. Military Identification for active duty, retiree or reservist.
- Certificate of Citizenship
- Certificate of Naturalization
- Certificate of Birth Abroad
- Passport issued from another country, with appropriate immigration documents.

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**NAME CHANGE (D-23)**

When the name on the identity document does not match the applicant's current name, the following are acceptable to prove the applicant's legal name.

- U.S. Passport
- Amended birth certificate
- Certified Adoption papers
- Certified Marriage certificate
- Certified Court order
- Certified Divorce decree
- Certificate of Dissolution, Divorce or Annulment
- Certificate of Naturalization
- Certificate of Name Change

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### **SOCIAL SECURITY NUMBER (D-17)**

The name on file with the Social Security Administration (SSA) **must** match the identity document(s). **One** of the following is required:

- Original Social Security Card (A Metal card is not acceptable.)
- Letter from the Social Security Administration verifying the applicant's name and number.
- Letter from the SSA verifying that the applicant has never been assigned a social security number.
- If an applicant is not eligible for employment due to their immigration status, they do not need this document.

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### **RESIDENCE ADDRESS**

An applicant must present documentation that contains both the applicant's name and address of principle residence. This cannot be a post office box or mail cache facility. This may consist of:

- Utility bill
- Alaska voter registration card
- Alaska title and/or registration (Issued at least 30 days prior to application)
- Paycheck Stub
- Medical Assistance card
- Public Assistance card
- Cancelled check or bank statement
- Mortgage or rental document
- Parental consent (On the back of Form 478)

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## SECONDARY IDENTIFICATION DOCUMENTS

Secondary identification documents are meant to give customers another set of documents to use to prove identity. Secondary documents are to be used to obtain a duplicate or to renew an Alaska driver's license, permit, or identification card. For information on requirements to obtain an original driver's license, permit or identification card, see Primary Identification Documents.

1. All primary documents
2. Bureau of Indian Affairs card or an Indian Treaty Card. (Some tribal cards are more reliable than the BIA card. DMV's can make their own determination.)
3. State issued Driver license or ID card that has **NOT** been expired over a year.
4. Court order that does not contain the applicant's date of birth.
5. Photographic employer identification card.
6. Foreign birth certificate.\*
7. Foreign passport.\*
8. Health insurance card [Blue Cross/Shield, Kaiser, Aetna, or a Health Maintenance Organization (HMO)].
9. Internal Revenue Service (IRS) or state tax form. A W-2 form is not acceptable.
10. Marriage license or certificate.
11. Individual's medical records from a doctor or a hospital.
12. Military dependent identification.
13. Military discharge or separation papers. (DD214)
14. Parent or guardian affidavit for minors, only. The parent or guardian must appear in person and prove their identity and submit a certified or notarized affidavit regarding the child's identity.
15. Gun permit.
16. Pilot's license.
17. Certified school record or transcript.
18. Photographic school identification card.
19. Vehicle title. A vehicle registration is not acceptable.
20. Welfare card.
21. Prison release document.

\*See the following page for further information on foreign documents.

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### LOST ALASKA DRIVER LICENSE/PERMIT/I.D. CARD REQUIREMENTS:

- Two items from either the primary or secondary identification document list. The information in ALVIN may be used in place of one of the items provided the person can verify address, date of birth, place of birth, Social Security number and the physical description matches.
- In extreme cases, you may use the digital photo on file or request a photo of the applicant from the Department of Public Safety, OL Photos. Examples of extreme cases are when an applicant is the victim of a house fire or when all identification documents have been lost or stolen. In these cases, check to see if a digital photo is

on file or request the photo by e-mail or by calling OLPHOTOS. Appendix D) Please include the full name of the applicant and their license or identification number, as well as the SSN and DOB, if available.

NOTE: Rent receipts, credit cards, and similar type documents are not to be used as proof of identity for issuance of an **original** driver license or ID card but can be used as proof of residence address. They may be used for issuance of a duplicate OL or ID as **alast resort** and in conjunction with the ALVIN record.

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**LOST OUT-OF-STATE LICENSE/PERMIT REQUIREMENTS:**

- Furnish **documentary proof of his/her identity and date of birth** the same as for an original license.
- Obtain verification of their license status from the state the applicant is currently licensed in.
- A PDPS check is required to verify eligibility.

**ALTERATIONS**

Any document that contains an alteration that changes the name, date of birth, or other pertinent information will not be accepted.

**FOREIGN DOCUMENTS**

Any primary or secondary document that is in a language other than English must be translated into English and must be accompanied by a Certificate of Accuracy of Translation by the person translating the document(s). DMV will accept the self-certification of anyone who certifies they have the competency to translate.

Cross Reference:

- App. D    DMV Addresses
- D-073    Class D - Basic Driver License

**HISTORY:**

7/1/06 - Regulation change from 13 AAC 08.330(b) to 2 AAC 90.420 (b).

NEXT SOP

[Return to Top / Go to Index - Accounting, Boat, DL, CDL, Registration & Title](#)

**Dirk Moffatt**

---

**From:** Rep. Bob Lynn [boblynn@alaska.com]  
**Sent:** Friday, March 09, 2007 6:28 PM  
**To:** Rep. Bob Lynn; Rep. Bob Lynn  
**Subject:** Fw: [Blogs by Rep Bob Lynn] New comment on THE FISHERMAN AND THE WEALTHY BUSINESSMAN.

----- Original Message -----

**From:** [roxanne risner](#)  
**To:** [boblynn@alaska.com](#)  
**Sent:** Friday, March 09, 2007 12:09 PM  
**Subject:** [Blogs by Rep Bob Lynn] New comment on THE FISHERMAN AND THE WEALTHY BUSINESSMAN.

roxanne risner has left a new comment on your post "[THE FISHERMAN AND THE WEALTHY BUSINESSMAN](#)":

I just wanted to tell you how much I respect you for taking on the problem of illegal aliens having drivers licenses in this country! It's about time a politician did something in favor of hardworking honest Americans. These people are living off of our tax dollars, getting free education, housing, medical care and they drive without valid drivers licenses or insurance! Most Americans, on the other hand, are being taxed to death and barely making it! It's so sad what is happening to this country, and even sadder that more politicians aren't trying to fix the problem!

Thank you again  
Roxanne Risner  
ANchorage Alaska

Posted by [roxanne risner](#) to [Blogs by Rep Bob Lynn](#) at 11:22 PM

---

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.446 / Virus Database: 268.18.8/714 - Release Date: 3/8/2007 10:58 AM

# **Relevant Statutes for HB 3**

**“An Act relating to issuance of  
identification cards and to  
issuance of driver’s licenses; and  
providing for an effective date.**

**Sec. 18.65.310. Identification cards.**

(a) Upon payment of a \$15 fee, the department shall issue a card identical to the motor vehicle operator's license provided for in AS 28.15.111, 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.

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

(c) Any person who knowingly makes a fraudulent written statement or application for an identification card concerning age, race, sex, or other identifying characteristics as required by the department is guilty of a misdemeanor.

(d) It is a misdemeanor for any person to possess, use, produce, or manufacture a fraudulent identification card.

(e) It is a misdemeanor for a person to allow an identification card issued to that person to be used by any other person.

(f) A person who violates (c), (d), or (e) of this section is guilty of a misdemeanor punishable by a fine of \$500 or 60 days in jail, or both.

(g) If the person applying for the identification card provided for in (a) of this section is 60 years of age or older, charge may not be made for issuance of the card.

**Sec. 28.15.031. Persons not to be licensed.**

(a) The department may not issue a driver's license to a person who is

(1) under the age of 16 years, except that the department may issue a permit under AS 28.15.051 or a restricted license under AS 28.15.121; or

(2) at least 16 years of age but not yet 18 years of age unless the person meets the requirements of AS 28.15.057.

(b) The department may not issue an original or duplicate driver's license to, nor renew or reinstate the driver's license of, a person

(1) whose license is suspended or revoked, except as otherwise provided in this chapter;

(2) who fails to appear in court for the adjudication of a certain vehicle, driver, or traffic offense when the person's appearance is required by statute, regulation, or court rule;

(3) who is an habitual user of alcohol or another drug to such a degree that the person is incapable of safely driving a motor vehicle;

(4) when the department, based upon medical evidence, has determined that because of the person's physical or mental disability the person is not able to drive a motor vehicle safely;

(5) who is unable to understand official traffic control devices as displayed in this state or who does not have a fair knowledge of traffic laws and regulations, as demonstrated by an examination;

(6) who has knowingly made a false statement in the person's application for a license or has committed fraud in connection with the person's application for, or in obtaining or attempting to obtain, a license, or who has not applied under oath on the form provided for the purpose of obtaining or attempting to obtain a license or permit; or

(7) who is required under AS 28.20 to furnish proof of financial responsibility and who has not done so.

*Sec. 28.15.040. Instruction permits and temporary licenses. [Repealed, Sec. 19 ch 178 SLA 1978].*

Repealed or Renumbered

**Sec. 28.15.101. Expiration and renewal of driver's license.**

(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 if the licensee complies with (a) of this section, except that a license may not be renewed by mail if

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

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

*Sec. 28.15.110. Restrictions. [Repealed, Sec. 19 ch 178 SLA 1978].*

Repealed or Renumbered

HB 3

### Line of Questioning

In order to be able to deal with the sponsor's intent to discuss legal presence, it is necessary to understand if the bill, as written, complies with REAL ID.

I think it is important to make clear whether this is the last time the legislature gets to weigh in on REAL ID or by passing the legislation we are approving the state's participation in the REAL ID program. If the answer is that this is the last time we get to see substantive legislation, then I will be offering an amendment to have a delayed effective date of the bill until the REAL ID regulations and program are made effective for Alaska driver's licenses and id's.

Review of the draft federal regulations (which I have handed out) indicate that each individual applying for a REAL ID license must provide all of the documentation required of US citizens and non-citizens (See Section 37.11 of the draft regs). However, as I read Section 4 of the bill and the sectional analysis, it appears to indicate that people are grandfathered in. Mr. Bannock, don't the federal regulations require each person wanting to obtain a REAL ID compliant license to come to the DMV with all of the evidence of their legal status and have that information scanned into the DMV data base to obtain their first REAL ID compliant license?

Moving on to the specific language in the bill concerning legal presence, here are the constitutional issues that should be answered in considering this legislation:

1. In Section 4, it appears that persons with Alaska driver's licenses are exempt from the information requirements. A person who comes to Alaska with a valid out of state license will need to provide this information. Isn't this a violation of the privileges and immunities clause of the constitution and a restraint on the right to travel?
2. For children who are applying for a license for the first time and for people who are getting licenses back, say from revocation, will have to prove their US citizenship, place of address, etc. Aren't these people being denied their equal protection rights?
3. Children who had state issued id's are required to provide the information when getting a license. Are these people being denied equal protection?
4. For people who have not had an id because they are not readily available, especially in rural Alaska or have had a tribal identification card, are these people being denied equal protection?

I am not sure that I would go here?

5. Is it permissible to deny the right to travel for undocumented aliens?

I believe that it is important to have these questions answered before the bill proceeds out of this committee.

Amendment C.2 – If the bill complies with REAL ID, then before it goes into effect, the State should get at least \$12 million to implement it and the AG should enter a lawsuit to challenge the provisions.

Amendment C.3 – Provisions concerning having to come back continually to DMV to renew one's license for people with unlimited stays in the United States should be on hold until they have to be implemented to comply with REAL ID.

## TOP STORY ■■■

WEDNESDAY, APRIL 18, 2007

## Two states lead revolt against Real ID

By Eric Kelderman, Stateline.org Staff Writer

Updated 3:50 p.m. EDT, Wednesday

Montana and Washington state defied the U.S. government this week, enacting the first state laws to reject the 2005 federal Real ID Act and ratcheting up pressure on Congress to amend or repeal national standards for driver's licenses.

Montana Gov. Brian Schweitzer (D) signed legislation Tuesday (April 17) that bans the state's Motor Vehicle Division from enforcing the national rules, which set uniform security features for driver's licenses and require states to verify the identity of all driver's license applicants.

Washington Gov. Christine Gregoire (D) signed a bill Wednesday (April 18) barring that state from complying unless the federal government comes up with an extra \$250 million to cover the state's expenses. The law also gives Washington's attorney general the right to challenge Real ID in court.

Montana's Schweitzer complained that the Real ID law is another way for the federal government to stomp on residents' personal privacy. "Montanans don't want the federal agents listening to their phone conversations, rifling through their papers, checking on what books they read and monitoring where they go and when. We think they ought to mind their own business," he said in a written statement.

Gregoire in a statement said the Real ID Act "is another unfunded mandate from the federal government and, even worse, it doesn't protect the privacy of the citizens of Washington."

In all, 30 states have passed or are considering proposals condemning the license standards. State lawmakers have railed at the costs and deadlines imposed on states, at federal intrusion into what had been a state responsibility and the specter of a national ID card. But the Montana and Washington actions stand out as the first statutes to bar state agencies from participating in Real ID, which passed Congress without floor debate, attached to a 2005 bill funding the war in Iraq and international aid after the Asian tsunami.

Legislatures in Idaho and Maine have passed nonbinding measures protesting the 2005 act. Arkansas lawmakers have approved one resolution calling for Congress to repeal the act and another that asks for civil-liberty protections and full funding to meet the estimated \$14 billion cost to states. None of those measures carries the weight of law or required a governor's signature.

Bills condemning Real ID have been approved by one chamber in another 13 legislatures and have been introduced in 12 more.

"When a state like Montana tells the federal government to take a hike, it brings down the whole house of cards. If there was ever any question that Congress would be forced to revisit this misguided law, there is no more," Barry Steinhardt of the American Civil Liberties Union said in a statement.

States have held out hope that the new Democratic majority in Congress will pay more attention to their concerns than the Republicans did. U.S. Sens. Daniel Akaka (D) of Hawaii and John Sununu (R) of New Hampshire have revived a 2006 bill to repeal Real ID. U.S. Rep. Tom Allen (D) of Maine also has submitted a bill rejecting the act.

Real ID requires that all new and existing driver's license applicants present and states verify: a form of photo identification, a document showing date of birth, proof of a Social Security number and a document with the name and address of the applicant.

All state-issued driver's licenses must include an individual's name, address, date of birth, gender, signature, driver's license number, a digital photograph and several features to prevent counterfeiting.

Driver's license bureaus would feed information into databases to verify applicants' identity, leading critics to worry about invasions of privacy and identity theft.

Cost also is a primary concern. State officials decry the act as a giant unfunded mandate. Congress has appropriated just \$40 million for states to begin verifying and reissuing an estimated 245 million driver's licenses and identification cards.

U.S. Homeland Security Secretary Michael Chertoff in March said states could use 20 percent of their federal homeland security grants to help meet costs. But those amounts are just a fraction of the total \$14.6 billion that the department estimates the law will cost states. In addition, the law will impose \$7.9 billion in costs on individuals and \$617 million on the federal government, according to homeland security figures.

Time is another problem, say states. The initial deadline to begin issuing compliant licenses is May 11, 2008, although states can apply for an extension until Dec. 31, 2009. That won't help, state officials counter, because all existing licenses still have to be reissued by 2013, so states that delay actually have a smaller window to meet the law.

Montana state Rep. Brady Wiseman (D), a sponsor of his state's legislation, said his colleagues were most concerned about privacy issues and Real ID's requirement to digitally store personal information and make that information available to other states. "We just didn't see the benefit here from going through all that rigmarole," said Wiseman, whose bill passed the Republican-controlled state House and Democratic-controlled Senate with unanimous support.

The American Civil Liberties Union and the libertarian Cato Institute both oppose Real ID on the grounds that it will violate civil liberties.

"The states reserve the right to choose not to comply with Real ID," said Russ Knocke, a spokesman for the U.S. Department of Homeland Security. But he noted that citizens in states without compliant licenses will not be able to use their licenses to board commercial flights or enter federal buildings.

Related stories:

[Real ID deadline delayed](#)

[Too little time, too much cost for Real ID](#)

[Congress sets new driver's license rules](#)

*Real ID Regs Draft*

(b) Cards issued before May 11, 2008. If DHS determines that a State is in compliance with the REAL ID requirements in this Part, all cards issued before May 11, 2008 are acceptable by Federal agencies for official purposes until and including May 10, 2013. All cards issued, reissued, or renewed after May 11, 2008 must be REAL ID compliant by May 11, 2013 or they shall not be acceptable by Federal agencies for official purposes.

(c) REAL ID card validity period. Driver's licenses and identification cards issued under this Part that are not temporary driver's licenses and identification cards are valid for a period not to exceed eight years. A card may be valid for a shorter time period based on other State or Federal requirements.

**Subpart B—Minimum Documentation, Verification, and Card Issuance  
Requirements**

**§ 37.11 Application and documents the applicant must provide.**

States must require each individual applying for a REAL ID driver's license or identification card to have their photograph taken by the DMV, and maintain that photograph as described in paragraph (a) below. States must further require each individual applying for a REAL ID driver's license or identification card to submit the declaration in paragraph (b) and to present the documents described in paragraphs (c), (d), (e) and (f) of this section. Documents in paragraph (g) of this section are required as described in that paragraph.

States are not required to comply with these requirements when issuing REAL ID driver's licenses or identification cards in support of Federal, State, or local criminal justice agencies or programs that require special licensing or identification to safeguard

States balk at license bill as it heads to U.S. Senate  
Driver's licenses to face new federal standards  
Driver's licenses now a tool for homeland security  
States slow to give driver's licenses to illegal alien

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Contact Eric Kelderman at: [ekelderman@stateline.org](mailto:ekelderman@stateline.org).

#### ISSUES AND TOPICS ■■■■

**Issues:** Transportation Technology Politics Taxes and Budget Homeland Security Crime and Courts

#### COMMENTS ■■■■

[Add a comment](#)

##### **REAL ID costs - charge drivers more**

*By michael kilcullen on Apr 19, 2007 12:49:46 AM*

I read your article about REAL ID and its costs, and that MT and WA are revolting against the requirements and the costs of it. (<http://www.stateline.org/live/details/story?contentId=199732>)

The costs can easily be covered by simply raising the price for a person to obtain a drivers' license. It is not a right to drive, it is a privilege, and one that costs. It is particularly not a right to drive cheaply, even though everyone seems to think that cheap licenses, cheap gas, and free roads are their entitlement.

States that charge \$20, or even less, for a multiyear license are already providing a subsidy to drivers. Drivers should be paying at minimum the costs that they incur.

If we want to reduce congestion, reduce accidents, reduce fuel consumption, and increase the use of other modes of transport such as bus, train, plane, bike, and so on, then additional price hikes on the cost of licenses would be one avenue to pursue.

At a minimum, there should be a price hike for drivers to cover the costs of the new license, and it should not be considered an unfunded mandate. It can be funded, just not by me, a disabled non-driver.

persons or in support of their other official duties. As directed by appropriate officials of these Federal, State, or local agencies, States should take sufficient steps to safeguard the identities of such persons. Driver's licenses and identification cards issued in support of Federal, State, or local criminal justice agencies or programs that require special licensing or identification to safeguard persons or in support of their other official duties shall not be distinguishable from other REAL ID licenses or identification cards issued by the State.

(a) The State must subject each person applying for a REAL ID driver's license or identification card to a mandatory facial image capture, whether or not such person is issued a REAL ID driver's license or identification card. Photographs of individuals who were not issued a REAL ID driver's license or identification card must be kept for 1 year, unless the DMV did not issue the driver's license or identification card because of suspected fraud, in which case the record should be maintained for ten years and reflect that a driver's license or identification card was not issued for that reason.

(b) Declaration. Each applicant must sign a declaration under penalty of perjury that the information presented is true and correct, and the State must retain this declaration with copies of the applicant's source documents pursuant to § 37.31. An applicant must sign a new declaration when presenting new information to the DMV.

(c) Identity. (1) To establish the individual's identity, the individual must present at least one of the following documents containing a photograph or non-photo identity document including full name and date of birth:

(i) A valid unexpired United States passport.

(ii) Certified copy of a birth certificate issued by a U.S. State or local office of Public Health, Vital Records, Vital Statistics or equivalent office.

(iii) Consular Report of Birth Abroad issued by DOS, Form FS-240, DS-1350 or FS-545.

(iv) An unexpired Permanent Resident Card issued by DHS, Form I-551.

(v) An unexpired employment authorization document (EAD) issued by DHS, Form I-766 or Form I-688B.

(vi) Unexpired foreign passport with a valid unexpired U.S. visa affixed.

(vii) Certificate of Naturalization issued by DHS, Form N-550 or Form N-570.

(viii) Certificate of Citizenship, Form N-560 or Form N-561.

(ix) REAL ID driver's license or identification card issued in compliance with the standards established by this Part.

(2) If the individual's name has changed through adoption, marriage, divorce, or court order, the individual must present an original or certified copy of the documents showing a legal name change, before the name is changed on the driver's license or identification card. These documents must come from a U.S. or State-level Court or government agency.

(d) Date of birth. To establish the person's date of birth, the individual must present at least one document included in paragraph (c) of this section.

(e) Social security number. The individual must provide documentation establishing an SSN, or the person's ineligibility for an SSN.

(1) To establish an SSN, an applicant must present his or her social security account number card, a W-2 form, a SSA-1099 form, a non-SSA 1099 form, or a pay

stub with the applicant's name and SSN on it; the SSN must be verified pursuant to § 37.13 of this subpart.

(2) To establish ineligibility for an SSN, an alien must present evidence that he or she is currently in a non-work authorized nonimmigrant status.

(f) Documents demonstrating address of principal residence. To document the address of principal residence, a person must present at least two documents of the State's choice that include the individual's name and principal residence.

(1) Documents used to demonstrate address of principal residence that are issued monthly (such as bank statements or utility bills) must not be more than three months old at the time of application.

(2) Documents used to demonstrate address of principal residence that are issued annually (such as property tax records) must be for the most current yearly period at the time of application.

(3) Except as provided in § 37.17(f)(1), (f)(2) and (f)(3) of this Part, a street address must be required.

(g) Evidence of lawful status in the United States. A DMV may issue a REAL ID driver's license or identification card only to a person who has presented satisfactory evidence of lawful status. The documentation listed under subsection (c) is also evidence of lawful status, except that if the applicant presents an identity document listed under paragraphs (c)(v) or (c)(vi) of this section, the documentation is to be considered provisional evidence pending verification of immigration status through SAVE. If the applicant presents an identity document listed under paragraph (c)(ix), he or she must

also present another document listed in subsection (c) as evidence of lawful presence in the United States.

(h) State DMVs may choose to establish a written exceptions process in order to provide REAL ID driver's licenses and identification cards to persons who, for reasons beyond their control, are unable to present all necessary documents and must rely on alternate documents to establish identity. An exceptions process may not be used to demonstrate lawful status. Each State establishing an exceptions process must have that process approved by DHS for the verification of documents in this section, and document each time the process is used, both on the applicant's record in the DMV's database and in the DMV's files.

(1) The applicant's records must visibly indicate when an alternate document is accepted and how applicable information from the document was verified.

(2) The record must include a full explanation of the reason for the exception and alternative documents accepted whenever a driver's license or identification card is issued using exceptions processing.

(3) The State shall retain copies of the alternate documents accepted pursuant to this section and provide these upon request to DHS for audit.

(4) The State shall provide DHS with quarterly reports analyzing the use of the exceptions process and any trends that indicate potential vulnerabilities.

**§ 37.13 Document verification requirements.**

States must adopt procedures satisfying the requirements of paragraph (a) of this section to verify with the issuing agency the issuance, validity, and completeness of a

document presented to demonstrate a person's eligibility for a REAL ID driver's license or identification card before issuance of the driver's license or identification card.

(a) States must use the following procedures to verify the documents required under this section:

(1) A certified copy of a birth certificate must be verified through the Electronic Verification of Vital Events System, or an alternative approved by DHS. In the event of a non-match, the DMV may not issue a driver's license or identification card to an applicant, and must refer the individual to their birth state's vital statistics office for resolution.

(2) A U.S. passport or Consular report of birth abroad must be verified through existing Department of State systems.

(3) A lawful permanent resident card (Form I-551) or other DHS-issued document demonstrating permanent residency, an EAD (Form I-766 or Form I-688B), Certificate of Citizenship, Certificate of Naturalization, or other documentation issued by DHS demonstrating lawful status, must be verified through the Systematic Alien Verification for Entitlements (SAVE) system operated by DHS, or an alternate verification system approved by DHS. In the event of a non-match to SAVE, the DMV may not issue a driver's license or identification card to an applicant, and must refer the individual to the local USCIS office for resolution.

(4) REAL ID driver's licenses and identification cards must be verified with the State of issuance.

(5) Social security account numbers must be verified by the Social Security Administration's (SSA) electronic database. In the event of a non-match with SSA, a

DMV must not issue a driver's license or identification card to an applicant until the information verifies with SSA's database.

(6) Documents demonstrating address of principal residence must be verified by the State in accordance with a system of document verification acceptable to DHS, to ensure that a document produced establishes an individual's address of principal residence.

~~to be verified by~~  
~~the State in accordance with a system of document verification acceptable to DHS, to~~  
~~ensure that a document produced establishes an individual's address of principal~~  
~~residence.~~

**§ 37.15 Physical security features for the driver's license or identification card.**

(a) General. States must include document security features on REAL ID driver's licenses and identification cards designed to deter forgery and counterfeiting and promote an adequate level of confidence in the authentication of genuine documents and the detection of fraudulent ones in accordance with this section.

(1) These features must not be reproducible using commonly used or available technologies.

(2) The proposed card solution must contain a well designed, balanced set of features that when effectively combined provide multiple layers of security. States must describe these document security features in their security plans pursuant to § 37.41.

(b) Integrated security features. REAL ID driver's licenses and identification cards must contain at least three levels of integrated security features that provide the maximum resistance to persons' efforts to--

(1) Counterfeiting, simulating, or reproducing a genuine document;

(2) Altering, deleting, modifying, masking, or tampering with data concerning the original or lawful card holder;

## VIRGINIA ACTS OF ASSEMBLY – CHAPTER

An Act to amend and reenact § 46.2-328.1 of the Code of Virginia, relating to special identification cards.

[H 2471]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-328.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-328.1. Licenses, permits and special identification cards to be issued only to United States citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions; renewal, duplication, or reissuance.

A. Notwithstanding any other provision of this title, except as provided in subsection G of § 46.2-345, the Department shall not issue an original license, permit, or special identification card to any applicant who has not presented to the Department, with the application, valid documentary evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States.

B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345, an applicant who presents in person valid documentary evidence of (i) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, (ii) a pending or approved application for asylum in the United States, (iii) entry into the United States in refugee status, (iv) a pending or approved application for temporary protected status in the United States, (v) approved deferred action status, or (vi) a pending application for adjustment of status to legal permanent residence status or conditional resident status, may be issued a temporary license, permit, or special identification card. Such temporary license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year. Any temporary license, permit, or special identification card issued pursuant to this subsection shall clearly indicate that it is temporary and shall state the date that it expires. Such a temporary license, permit or identification card may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary license, permit or special identification has been extended by the United States Immigration and Naturalization Service or the Bureau of Citizenship and Immigration Services of the Department of Homeland Security.

C. Any license or special identification card for which an application has been made for renewal, duplication or reissuance shall be presumed to have been issued in accordance with the provisions of subsection A, provided that, at the time the application is made, the license or special identification card has not expired, or been cancelled, suspended or revoked. The requirements of subsection A shall apply, however, to a renewal, duplication or reissuance if the Department is notified by a local, state or federal government agency that the individual seeking such renewal, duplication or reissuance is neither a citizen of the United States nor legally in the United States.

*The provisions of this section shall not apply to an applicant for a special identification card whose year of birth is 1937 or earlier and who has previously held a Virginia-issued driver's license or special identification card, provided that such driver's license or special identification card has not been expired for more than five years.*

Good morning, Mr. Chairman and representatives. My name is Matthew Kerr and I am representing myself. I have thirteen years of professional database systems design experience. Thank you very much for listening to my testimony today.

I oppose House Bill 3, part of our state's implementation of the national Real ID Act. Duane Bannock has testified for the past two years that the DMV will implement this bill by scanning and retaining electronic copies of the personal identity documents of every applicant for a driver's license or identification card in this state. This would result in our DMV having more documentation about each of us than the U.S. passport office currently retains.

As a database programmer and as an Alaskan, I believe this is invasive, a grave security risk, a loss of privacy, and an increase in the size of our government without any corresponding benefit. This bill does nothing to prevent illegal immigration, and is more likely to promote it instead. This is a bad idea.

My security concerns are well-founded. In 2005 alone, three states reported successful data thefts of personal information from their DMVs. One laptop found by police in an Oregon methamphetamine house contained DMV records on a half-million people. If this trend continues, there is a 60% chance that our state would be compromised sometime in the next ten years.

I have worked on IT contracts for the State of Alaska. If I was a dishonest person, I could have walked out of the department I worked in with sensitive information on thousands of Alaskans. There are many people in positions like mine.

A DVD filled with authentic images of our birth certificates, passports, and social security cards would sell for a pretty good sum in Tijuana. All it would take is a single employee with a chip on his or her shoulder. There's nothing that makes Alaska somehow more immune to this than Oregon, Georgia, Nevada, or North Carolina.

The supporters of this bill claim that it is only about illegal immigrants. I also oppose illegal immigration, but this bill does nothing against it. Foreign licenses are valid in Alaska, regardless of the holder's legal presence. This bill doesn't remove any privileges or benefits from illegal aliens, except perhaps the ability to obtain reasonably-priced car insurance. It's also redundant: we already don't give licenses to illegal aliens. On the other hand, HB 3 adds significant security risk, privacy loss, red tape, and bureaucracy to our state government. The DMV doesn't need special legislation and a new document tracking system to make a phone call about a suspected illegal immigrant applying for a license.

In regards to this bill, Rep. Lynn wrote online that he "values [his] privacy, just like other Alaskans." I am very happy to hear that! I hope Rep. Lynn would therefore support amendments to restrict the DMV's identity document collection to only non-U.S. citizens and residents. If this bill is only about length of legal presence, then why does the DMV need to keep copies of my papers too? My citizenship isn't going to expire.

**HB**

**7**



## HOUSE JUDICIARY COMMITTEE

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### MEMORANDUM

Date: February 9, 2007

To: Representative John Coghill  
Chairman House Rules Committee

From: Jane Pierson *JWP*

Re: Judiciary Referral File HB7(JUD)

#### Attached please find:

- CSHB7(JUD) 25-LS0057\K
- Legal Memo re: CSHB7(JUD)\K
- Work Draft CSHB7(JUD) 25-LS0057\M
- Legal Memo re: CSHB7(JUD)\M
- Explanation of Changes to version \M from \C
- Work draft CSHB7(JUD) 25-LS0057\C
- Amendments to \A
- Original version of HB7 25-LS0057\A
- Sectional Analysis
- Judiciary Committee Report
- Fiscal Notes
  - Corrected DPS – indeterminate
  - Original DPS – zero
  - LAW – zero
  - ADM - zero
- Letter of Support
- Articles

# LEGAL SERVICES

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
State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 8, 2007

**SUBJECT:** CSHB 7(JUD) relating to false caller identification  
(Work Order No. 25-LS0057\K)

**TO:** Representative Jay Ramras  
Chair of the House Judiciary Committee  
Attn: Jane

**FROM:**  Theresa Bannister  
Legislative Counsel

This memo accompanies the bill described above.

Due process issue. Please be aware that this bill may raise the same due process issue mentioned in my memo on the "M" version. However, this issue is more aggravated in this version because this version also allows the prosecutor to decide whether, if there are more than one (but fewer than five) insertions, to charge the person with one or more class B misdemeanors.

Since this bill has passed out of your committee, you may want to pass this memo along with it to the next committee of record so that committee can take any action it decides is appropriate.

If I may be of further assistance, please advise.

TLB:ljw  
07-065.ljw

Enclosure

25-LS0057(M)  
Bannister  
2/8/07

**CS FOR HOUSE BILL NO. 7(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES LYNN AND GARDNER, Buch, Doogan**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to false caller identification."**

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

3 **\* Section 1. AS 45.45 is amended by adding a new section to read:**

4 **Sec. 45.45.940. False caller identification.** (a) A person may not make a call  
5 and insert false information into a caller identification system with the intent to  
6 defraud.

7 (b) This section does not apply to

8 (1) law enforcement agencies of the federal government, a state  
9 government, or a municipality; or

10 (2) intelligence or security agencies of the federal government.

11 (c) A person who violates (a) of this section by inserting, whether by making  
12 one call or more than one call, false information into

13 (1) ~~four~~ caller identification systems is guilty of a class B  
14 misdemeanor; ~~four~~ *less than 5 (Amend 1)*

15 (2) five or more caller identification systems is guilty of a class A

1           misdemeanor.

2                   (d) In this section,

3                           (1) "call" means a call made by a telephone, computer, or similar  
4           communications device or technology, whether transmitted by wire or wireless means;

5                           (2) "caller identification system" means a listing of a caller's name,  
6           ~~telephone number~~, or name and ~~telephone number~~ that is shown to a recipient of a call  
7           when the recipient answers;

8                           (3) "insert" means insert by voice communication, by written  
9           communication, or by otherwise entering into a computer;

10                          (4) "intent to defraud" has the meaning given in AS 11.46.990.

11   \* Sec. 2. AS 45.50.471(b) is amended by adding a new paragraph to read:

12                           (5) violating AS 45.45.940 (false caller identification).

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
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Juneau, Alaska 99801-1182  
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## MEMORANDUM

February 8, 2007

**SUBJECT:** CSHB 7(JUD) relating to false caller identification  
(Work Order No. 25-LS0057\M)

**TO:** Representative Jay Ramras  
Chair of the House Judiciary Committee  
Attn: Jane

**FROM:** *TB* Theresa Bannister  
Legislative Counsel

This memo accompanies a draft of the bill described above.

Due process issue. Please be aware that the two violation categories may raise a due process issue in this draft (this issue also existed in the "E" version). This issue arises because the language of the two categories allows the prosecutor, in some cases, to decide whether to charge a class B or class A misdemeanor. For example, if a person inserts the information into five caller identification systems, the prosecutor will have the discretion to charge one class B misdemeanor or one class A misdemeanor.

If I may be of further assistance, please advise.

TLB:med  
07-089.med

Enclosure

25-LS0057\M  
Bannister  
2/8/07

**CS FOR HOUSE BILL NO. 7(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES LYNN AND GARDNER, Buch, Doogan**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to false caller identification."**

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

3 **\* Section 1. AS 45.45 is amended by adding a new section to read:**

4 **Sec. 45.45.940. False caller identification.** (a) A person may not make a call  
5 and insert false information into a caller identification system with the intent to  
6 defraud.

7 (b) This section does not apply to

8 (1) law enforcement agencies of the federal government, a state  
9 government, or a municipality; or

10 (2) intelligence or security agencies of the federal government.

11 (c) A person who violates (a) of this section by inserting, whether by making  
12 one call or more than one call, false information into

13 (1) four caller identification systems is guilty of a class B  
14 misdemeanor;

15 (2) five or more caller identification systems is guilty of a class A

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misdemeanor.

(d) In this section

(1) "call" means a call made by a telephone, computer, or similar communications device or technology, whether transmitted by wire or wireless means;

(2) "caller identification system" means a listing of a caller's name, ~~telephone number~~, or name and ~~telephone number~~ that is shown to a recipient of a call when the recipient answers;

(3) "insert" means insert by voice communication, by written communication, or by otherwise entering into a computer;

(4) "intent to defraud" has the meaning given in AS 11.46.990.

\* Sec. 2. AS 45.50.471(b) is amended by adding a new paragraph to read:

(5) violating AS 45.45.940 (false caller identification).

The following changes were made to HB7 version\M from version \C

P. 1, L.4-5 The following language was deleted "A person may not insert false information into a caller identification system with the intent to defraud" The new language reads, "A person may not make a call and insert false information into a caller identification system with the intent to defraud" This change satisfies both the committees amendment to insert "*or transmit*" and legal's recommendation to make the bill track.

P. 1, L 10-11 The Committee requested language that would help to define the crime. Leg. legal came up with the following language to fit the intent of the Committee:

"(c) A person who violates (a) of this section by inserting, whether by making one call or more than one call, false information into

- (1) four caller identification systems is guilty of a class B misdemeanor;
- (2) five or more caller identification systems is guilty of a class A misdemeanor.

An additional definition of "call" was also added to this bill. see P.2, L.2-3 "'call" means a call made by telephone, computer, or similar communication device or technology, whether transmitted by wire or wireless means;"

#2

HB7

AMENDMENT # 2

OFFERED IN THE HOUSE  
REP. HOLMES

BY

Passed

Page 1, lines 10 -11:

Delete all material and insert:

"(c) a violation of (a) of this section is

(1) ~~a class B misdemeanor if a person inserts false~~  
~~information that is transmitted to less than ~~5~~ call recipients except as~~  
~~provided in (2) of this section.~~ <sup>into a caller identification system</sup> 5

(2) a class A misdemeanor if a person inserts false  
information that is transmitted ~~to 5~~ <sup>times</sup> or more call recipients, or ~~5~~ or more times to the  
same call recipient." 5 5

+ Exception at beginning +

(1) ~~Except~~ as provided in (2) of this section, it is  
a class B misdemeanor if a person inserts false  
information that is transmitted ~~to~~ less than ~~5~~ 5  
~~call recipients;~~ times;

ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY COMMITTEE

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**Committee Members:**  
Representative Nancy Dahlstrom,  
Vice-Chairman  
Representative John Coghill  
Representative Bob Lynn  
Representative Ralph Samuels  
Representative Max Gruenberg  
Representative Lindsey Holmes

State Capitol, Room 120  
Juneau, Alaska 99801-1182

**Fax**

To: Terry Bannister

Fax #: 2029

Number of pages including cover: 1

From: Jane Pierson

Date: February 6 2007

Re: HB 7

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Terry,

I think that this language will work. I had to get the lingo from DP.

Page 1 Line 13

(C) Caller means a person who places a call by telephone, computer or use of similar communication devices and or technology that is transmitted by Wire and or wireless means.