

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill addresses Minnesota's compliance with the federal REAL ID Act of 2005, which governs various aspects of identity verification and security around driver's licenses and identification cards. Among its provisions, the bill:

- ▶ directs the Department of Public Safety to fully implement, by October 1, 2016, compliance with REAL ID Act requirements (along with repealing the current implementation ban);
- ▶ makes various statutory changes related to federal compliance;
- ▶ prohibits departmental activity to comply with any future REAL ID Act law, process, or data practices changes;
- ▶ authorizes expedited rulemaking on driver's licenses and identification cards;
- ▶ appropriates \$4 million from the driver services operating account for implementation activities; and
- ▶ requires legislative reporting.

The REAL ID Act and its accompanying federal regulations establish various identity verification, security, data, and process requirements for state-issued driver's licenses and identification cards. A key enforcement aspect under the Act is that it currently disallows federal agencies from accepting non-compliant state identification to enter secured federal buildings and facilities (that is, those areas where identification is necessary to enter). In the future the federal law will also prohibit non-compliant licenses and identification cards from being accepted as an identifying document to board federally regulated commercial aircraft.

## Section

- 1 **Employee background checks.** Mandates a background check on Department of Public Safety employees who can modify the records of applicants and holders of a driver's license or identification card.
- 2 **Procedure.** Makes a conforming change on employee background checks.
- 3 **[171.019] REAL ID Act conformity; limitations.** Governs Minnesota compliance with REAL ID Act requirements.
  - Subd. 1. Definitions.** Defines terms.
  - Subd. 2. Federal conformity.** Directs the Department of Public Safety to meet REAL ID Act requirements, as they are established on the effective date of the bill.
  - Subd. 3. Limitation; federal changes.** Prevents the department from taking steps to implement or comply with future changes in federal law, processes, or data practices under the REAL ID Act.
  - Subd. 4. Legislative notification.** Requires a notification to the legislature regarding any impending or completed changes in federal law, processes, or data practices under the REAL ID Act.
- 4 **Application format and requirements.** Requires first-time and some other applicants (e.g., when providing new documentation) for a driver's license or identification card to sign a declaration that the information in the application is true and correct, with a penalty of perjury for false statements. Under current law a signature is generally required but a perjury penalty is not specified.
- 5 **Contents of application; other information.** Establishes additional documentation that must be provided as part of application for a driver's license or identification card, including evidence demonstrating:
  - ▶ the applicant's identity, date of birth, Social Security number or other permissible documents (that is, other accompanying documents when the applicant does not have a Social Security number), and address; and
  - ▶ the applicant's lawful status in the United States, which includes U.S. citizenship and various forms of temporary legal presence.Makes technical and conforming changes related to documentation provided for enhanced licenses and identification cards.
- 6 **Information for applicants.** Requires the Department of Public Safety to provide information to driver's license and identification card applicants regarding the available types of cards offered and their respective limitations.
- 7 **License; contents.** Clarifies that the physical driver's license card design includes information specified in the state statutes and as determined by the department.
- 8 **Identification card; fee.** Clarifies that the physical identification card design includes information specified in the state statutes and as determined by the department.
- 9 **Identification card expiration.** Sets the expiration for identification cards issued to seniors (age 65 or older) as eight years instead of being valid for life. Sets the expiration for

## Section

identification cards issued to people with temporary lawful presence in the United States as the last day of the person's legal stay. Makes technical changes.

- 10 **Security features.** Broadens the physical security features required for driver's licenses and identification cards.
- 11 **Tribal identification card.** Eliminates acceptance of tribal identification cards as among documents that can be used to prove name and identity in application for a driver's license or identification card.
- 12 **Driver and vehicle services information system; security and auditing.** Establishes requirements for the information technology system used by Driver and Vehicle Services, including: procedures to limit authorized access; mandatory data audit trails; revocation of access upon law violations; and independent biennial auditing with reporting to the legislature.
- 13 **Record retention; birth certificates.** Requires that driver's license and identification card applicants be able to choose retention by the department of the data contained in the birth certificate rather than retaining a physical or digital copy of the certificate (if the department's procedures include retention of a birth certificate copy).
- 14 **Expiration of license; military exception.** Sets the expiration for driver's licenses issued to people with temporary lawful presence in the United States as the last day of the person's legal stay.
- 15 **REAL ID Act implementation.** Establishes requirements and authority on REAL ID Act implementation, including an implementation date and rulemaking authority.
  - Subd. 1. Definition.** Defines "REAL ID Act" for the section, by referencing the federal law.
  - Subd. 2. Full implementation and conformity; deadline.** Sets an October 1, 2016, deadline for the Department of Public Safety to fully implement conformity with REAL ID Act requirements.
  - Subd. 3. Mandatory reissuance prohibition.** Prohibits the department from requiring that license and identification card holders must obtain a new license or identification card earlier than the normal expiration date of the document.
  - Subd. 4. Expedited rulemaking.** Directs the Department of Public Safety to commence rulemaking as expressly necessary to issue driver's licenses and identification cards, with use of the expedited process permitted. Sets an expiration of December 31, 2017, for the expedited rulemaking authority.
  - Subd. 5. Legislative reporting.** Requires legislative reporting on REAL ID Act planning and implementation activities that consist of (1) monthly implementation status updates; and (2) final implementation information, due March 15, 2017.
- 16 **Appropriation.** Appropriates \$4 million from the driver services operating account in fiscal year 2016 for REAL ID Act compliance activities, and makes the funds available in fiscal year 2017. (This account is part of the fee-based system that funds Driver and Vehicle Services agency operations. The money comes from a balance in the account.)

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- 17**      **Revisor's instruction.** Makes a technical change, to move a provision on anatomical gifts to a different subdivision.
- 18**      **Repealer.** Fully repeals the 2009 ban on REAL ID Act planning and implementation (which had been amended earlier in the 2016 session to permit planning activities).
- 19**      **Effective date.** Makes the bill effective the day after enactment.