



2007 ASSEMBLY BILL 475

August 2, 2007 - Introduced by Representatives MOLEPSKE, WOOD, COLON, BERCEAU, SINICKI, TRAVIS, GRIGSBY, VRUWINK, SEIDEL, BLACK, SCHNEIDER, POCAN and SHERMAN, cosponsored by Senator LASSA. Referred to Committee on Transportation.

1 **AN ACT to create** 343.045 of the statutes; **relating to:** the issuance of motor
2 vehicle operator's licenses and identification cards by the Department of
3 Transportation.

Analysis by the Legislative Reference Bureau

On May 11, 2005, the federal REAL ID Act of 2005 (the act) was signed into law. Under the act, beginning three years after the date of enactment, a federal agency may not accept, for any "official purpose," a motor vehicle operator's license or identification card issued by a state to any person unless the state satisfies requirements contained in the act. (In proposed regulations for the act, the three-year deadline may be subject to modification.) Under the act, an "official purpose" includes accessing federal facilities, boarding federally regulated commercial aircraft, and any other purpose identified by the federal Department of Homeland Security (DHS). State compliance with requirements under the act must be certified by the state to DHS.

Under this bill, the Department of Transportation (DOT) may not adopt any procedure or requirement for the issuance of operator's licenses or identification cards necessary under the act for federal agencies to recognize for an "official purpose" operator's licenses and identification cards issued by this state unless all of the following apply:

1. DOT ensures that any database, record facility, or computer system associated with the procedure or requirement includes reasonable security measures and safeguards to protect the privacy of applicants, licensees, and cardholders and to protect against unauthorized disclosure of department data.

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2. DOT ensures that any personnel involved with the procedure or requirement are adequately screened and trained to protect the privacy of applicants, licensees, and cardholders and to protect against unauthorized disclosure of department data.

3. The procedure or requirement does not place an unreasonable cost or record-keeping burden on operator's license or identification card applicants.

In addition, DOT may not encumber or expend any moneys from its state funds appropriation for driver licensing for the purpose of complying with provisions of the REAL ID Act. However, DOT may encumber and expend federal funds received by the state that are specifically allocated for the implementation of the REAL ID Act.

Under the bill, the attorney general may, upon request of DOT and approval of the governor, challenge the legality or constitutionality of the REAL ID Act.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 343.045 of the statutes is created to read:

2 **343.045 Implementation of certain provisions of federal law. (1)** In this
3 section, "REAL ID Act" means the federal REAL ID Act of 2005, P.L. 109-13.

4 **(2)** Subject to sub. (3) (a), the department may not adopt any procedure or
5 requirement for the issuance of operator's licenses or identification cards for the
6 purpose of complying with provisions of the REAL ID Act unless all of the following
7 apply:

8 (a) The department ensures that any database, record facility, or computer
9 system associated with the procedure or requirement includes reasonable security
10 measures and safeguards to protect the privacy of applicants, licensees, and
11 cardholders and to protect against unauthorized disclosure of department data.

12 (b) The department ensures that any personnel involved with the procedure or
13 requirement are adequately screened and trained to protect the privacy of
14 applicants, licensees, and cardholders and to protect against unauthorized
15 disclosure of department data.

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1 (c) The procedure or requirement does not place an unreasonable cost or
2 record-keeping burden on operator's license or identification card applicants.

3 **(3)** (a) The department may not encumber or expend any moneys from the
4 appropriation under s. 20.395 (5) (cq) for the purpose of complying with provisions
5 of the REAL ID Act.

6 (b) Subject to sub. (2), the department may encumber and expend federal funds
7 received by the state that are specifically allocated by the federal government for the
8 implementation of the REAL ID Act.

9 **(4)** The attorney general may, upon request of the department and approval of
10 the governor, challenge the legality or constitutionality of the REAL ID Act.

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(END)