

## 2007 DRAFTING REQUEST

### Bill

Received: **08/25/2006**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Kornely**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **BAB**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

---

### Pre Topic:

DOA:.....Kornely, BB0196 -

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### Topic:

Implementation of REAL ID Act

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### Instructions:

See Attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 09/06/2006	wjackson 10/03/2006		_____			State
/P1			pgreensl 10/03/2006	_____	lparisi 10/03/2006		State
/P2	agary 11/03/2006	wjackson 11/08/2006	jfrantze 11/09/2006	_____	lparisi 11/09/2006		State
/P3	agary	wjackson	pgreensl	_____	mbarman		State

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	11/14/2006	11/15/2006	11/15/2006	_____	11/15/2006		
/1	agary 11/24/2006 agary 12/19/2006	wjackson 11/27/2006 wjackson 12/22/2006	sherritz 11/28/2006 _____ _____	_____ _____ _____ _____	cduerst 11/28/2006		State
/2			nnatzke 12/27/2006	_____ _____	sbasford 12/27/2006		State
/3	agary 01/30/2007	kfollett 01/31/2007	rschlue 01/31/2007	_____ _____	sbasford 01/31/2007		

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	agary 12/19/2006	wjackson 12/22/2006		_____ _____			
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		12Wlj 12/22	nwn 12/27	nwn/cd 12/27			

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/1	agary	wjackson	sherritz	_____	cduerst		
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11/15/2006

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By/Representing: **Erin Egan**

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Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **BAB**

Submit via email: **YES**

Requester's email: **Erin.Egan@dot.state.wi.us**

Carbon copy (CC:) to: **Kristie.Nielson@dot.state.wi.us**  
**aaron.gary@legis.wisconsin.gov**

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No specific pre topic given

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/P3 WJ 11/14

11/15 PS/12  
PS

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*To 11/9* *To 11/9*  
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/?	agary	1/1 WJ 10/2	19 13	<del>19</del> 13			
FE Sent For:			PS	<END>	PS/15		

**Gary, Aaron**

---

**From:** Egan, Erin  
**Sent:** Friday, July 21, 2006 11:44 AM  
**To:** Gary, Aaron; Balinsky, Brett  
**Cc:** Nilsen, Paul  
**Subject:** DMV Comments on LRB4307/P1 (REAL ID)  
**Attachments:** Comments for LRB.xls; REAL ID Addl Changes.doc

Hi Aaron and Brett:

I have attached my comments on the REAL ID draft, as well as some other statutory changes that we may need. We'll have to discuss the shaded cells in the spreadsheet, because of things we're hearing out of DHS. Remind me to talk about the polycarbonate substrate too, if we haven't already.

Thanks,

Erin Egan  
Legislative Liaison  
Division of Motor Vehicles  
(608) 266-1449

**Gary, Aaron**

---

**From:** Gary, Aaron  
**Sent:** Wednesday, July 26, 2006 3:56 PM  
**To:** Egan, Erin; Balinsky, Brett  
**Cc:** Nilsen, Paul  
**Subject:** RE: DLA - s. 343.237

Hi Erin,

I was looking over the REAL ID draft again and remembered that this issue is partially addressed in this draft. When it comes to sharing driver record and/or applicant information such as photos, signatures, etc. with other driver licensing agencies, I thought it would be preferable to simply remove this stuff from the confines/structure of s. 343.237, so that is how it is now drafted. See Bill Sections 6 (with Note) and 52 in LRB-4307. We can talk Monday about whether I should redraft with a different approach and/or whether LE-online access should be added to this REAL ID draft or the DLA draft. Aaron

Aaron R. Gary  
*Legislative Attorney*  
*Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

---

**From:** Egan, Erin  
**Sent:** Wednesday, July 26, 2006 10:02 AM  
**To:** Gary, Aaron; Egan, Erin; Balinsky, Brett  
**Cc:** Nilsen, Paul  
**Subject:** RE: DLA - s. 343.237

Yes, thank you.

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

**From:** Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]  
**Sent:** Wednesday, July 26, 2006 9:58 AM  
**To:** Egan, Erin; Balinsky, Brett  
**Cc:** Nilsen, Paul  
**Subject:** RE: DLA - s. 343.237

Just off the top of my head, if this is done electronically, would the electronic copy have the "stamped" warning to the recipient re non-disclosure now required by stat?

Aaron R. Gary  
*Legislative Attorney*  
*Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)

07/26/2006

aaron.gary@legis.state.wi.us

---

**From:** Egan, Erin  
**Sent:** Wednesday, July 26, 2006 9:55 AM  
**To:** Gary, Aaron; Balinsky, Brett  
**Cc:** Nilsen, Paul  
**Subject:** DLA - s. 343.237

Hi Aaron/Brett:

I had a thought.....right now, s. 343.237 (3) requires us to send a copy of a photograph to a LE agency. This need to be tweaked to allow on-line access as well, for both law enforcement agencies and other MV agencies. For online access, we'd still need to know who was making the request, and for what purpose the photo was going to be used. We also need to add a line to (3)(c) that allows photos for the purposes of verifying identity for a DL/ID application.

Thanks.

Erin Egan  
Legislative Liaison  
Division of Motor Vehicles  
(608) 266-1449

How often: 5 years

note: PCRA

Summary of LRB 05-4307/P1 (REAL ID Draft)

#	Statute	Comments
1	110.09	Sub. 1: OK for new employees, but it is too narrow for REAL ID as we'll have to check everyone. May also need credit checks. Yes, periodic checks are a good idea. For sub. 2, does this need to be in statute, as it's mostly procedural? DN: agree with point about 165.82 (don't need last sentence).
2	343.01 (2)(d)	Good.
3	343.03 (3)	Good - to specify that non-citizen Temps fall into one of the current classifications
4	343.03 (3m)	We'd prefer a "Temporary" brand on the front of the license instead - amend s. 343.17 (3)
5	343.03 (5)(a)	Also in DLA draft, section 11. We would prefer that language.
6	343.03 (6)(a)	Also in DLA draft, section 12. We would prefer that language.
7	343.05 (1)(b)	Please leave in statute. We do have situations where this occurs, especially when a temporary driving receipt is issued to OOS residents.
8	343.06 (1)(j)	Agree with drafter's note. This is covered under created s. 343.165.
9	343.06 (1)(L)	Good.
10	343.10 (1)(b)	See comments on Section 24 for 343.165 (4)(a)
11	343.10 (2)(a)(intro)	See comments on Section 24 for 343.165 (4)(a)
12	343.10 (7)(b)	See comments on Section 24 for 343.165 (4)(a)
13	343.10 (7)(d)	Good.
14	343.10 (7)(f)	Good.
15	343.14 (2)(a), (b), (br)	(a) - Good. (b) - sex is fine, instead of gender. (br) - we'd like to change language about DWD prescribing the form, so DOT designs form, with DWD's input.
16	343.14 (2)(es) intro	Good.
17	343.14 (2)(es) 1. & 4.	Good.
18	343.14 (2)(f)	Good.
19	343.14 (2j)(a)	Good. This is covered in s. 343.165 (1)(c) now.
20	343.14 (2j)(b)	See Section 19.
21	343.14 (3)	Good.
22	343.14 (4m)	Good.
23	343.16 (3)(a)	See discussion on 343.165 (4)(d)
24	343.165 (1)	Applicants may not have to present these documents for all transactions, pending rulemaking. DN: prefer to use a term already in statute.
24	343.165 (2)	(a) We will either capture a digital image, or paper copy, not both. (We prefer digital image). (b) Okay with capturing the date verification was completed.

Content level in showing compliance - same w/ security  
note: features on cards  
- take out & put note

do different things, need to look at treatment separately  
OK

how to address?

24	343.165 (3)	(a) DHS is backing away from verifying all documents, especially residency. We may only have to verify documents that can be done via an online system. (d) We would like to put the burden for resolving SS# discrepancies directly on the applicant, per current practice. We also anticipate using EVVER for birth certificates, PIERS for passports, and DRIVERS for driving record information - do these need to be added?
24	343.165 (4)	4 (a) - We're not sure (yet) if we'll have to check everyone (ie, rms, occs, dupes) who comes in the door post May 10, 2008. Rules may only require us to do original issues and renewals. If so, this language will need to be tweaked. (b) & (d) - good.
24	343.165 (5)	We will need similar language for ID cards.
25	343.17 (1)	Good.
26	343.17 (2)	Does this need to be in statute? We already do this.
27	343.17 (3)(a) 1, 3, & 5	5. May be a problem, as laser engraved card stock that DHS is currently requiring does not permit an actual signature. We will likely use a signature pad that will capture an image of the signature, and place the image of the signature on the license.
28	343.17 (3)(a) 14.	Good.
29	343.17 (3)(b)	See comments on Section 4.
30	343.17 (5)	Good.
31	343.19 (1)	Good.
32	343.20 (1)(f)	Good.
33	343.20 (1m)	Good. Response to DN: we would like to strike the provision that requires us to pro-rate fees under s. 343.20 (1)(a)
34	343.20 (2)(a)	Good.
35	343.22 (1)	Good.
36	343.22 (2)	Good.
37	343.22 (2m)	Good.
38	343.22 (3)	Good.
39	343.23 (2)(a)	This will need to be reconciled with Section 25 from DLA draft (changes from both drafts are needed)
40	343.23 (2)(b)	Same comment as Section 24 - we want to capture digital image only.
41	343.23 (5)	Good.
42	343.26	Good.
43	343.43 (1)(g)	Good.
44	343.50 (1) (a)	Good.
45	343.50 (1)(b)	Does 343.11 (1) need to be amended to include IDs?
46	343.50 (2)	Good.
47	343.50 (3)	Similar comment to Section 4: we would prefer a "Temporary" brand on the front of the license. (Can't print anything on the reverse side of the ID card either). Is fraud prevention and machine readable technology language needed?
48	343.50 (4)	Good.
49	343.50 (5)(a)	Good.
50	343.50 (6)	Good.
51	343.50 (8)	Good.

→ how to address?

→ how to address?

→ confert level

→ signature on screen at counter

?

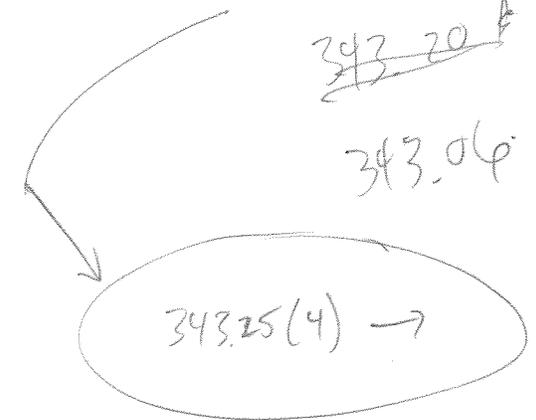
52	343.50 (8)(c)	Good. Need to change Section 111 in DLA draft, as that draft adds this language to 343.50 (8)(b).
53	343.50 (10)	Good.
54	343.50 (10)(c)	Do we need this?
55	Initial applicability	Not soon enough to screen applicants who are hired (and trained) prior to REAL ID.
56	Effective date	What happens when REAL ID is delayed?

→ what other authority would allow this?

→  
→

note for DL & ID -  
this might not be necessary

~~343.20~~  
343.06



## REAL ID Draft Review – Additional Statutory Changes

usually rule provision is to require the rule, not allow it (already allowed) 1.76; any other, specific authority not covered

### Additional statutory changes needed

- Direction to implement some REAL ID requirements by rule, since DHS rules will not be completed until mid 2007 (Example: certification to DHS) → see note re rule authority
- DHFS would like authorization to access DMV data (including picture), as well as language allowing us to access their data – which data specifically?
- Current statutes prohibit birth certificates from being copied (s. 69.24)
- Gender change language – need to check statute/rules to ensure consistency with DHFS – why? what context? s. 343.22 provision?

### Other statutory changes that MAY be needed

- Authority to issue driving certificates – process, application form, etc. by rule?
  - Five year enrollment period (versus eight year renewal cycle) difference?
  - One-time and ongoing surcharge to cover costs, with additional spending authority for DMV's appropriation amount? name? two or one?
  - Strike language that pro-rates fees for probationary licenses issued to temporary residents
  - Requiring a minimum length of stay to issue a temporary license – which temp? how long?
  - Strike language requiring vision testing in all counties, part of s. 343.16 (3)(a)
- Central office issuance → ?

in beginning of ch. 343

wait on all of these

DHFS wants driver record access  
DOT wants birth certificate info. access

7/31 at BOT w/ Paul Nilsen, Erin Egan, BAR, ARB  
 • ~~ADD~~ law enforcement / photo electronic

~~access to DLA draft~~ → now LRB-0045

- sole source stock -
  - signature

- driver record info for DHFS;  
 DOT want birth certificate info!

- re gender/sex change  
 DHFS - different reqs. for DHFS
  - error out - put bonus on applicant to fix

DLA

REN ID Meeting at DOT

3/29/06

- Paul Nilsen, Karen Baetsem, Patricia Fernan, MBE, Kristen Grande
- sole source - exceptions to ch. 16 bidding stuff

- 5 online systems
  - SS : now used
  - birth certificates - EAVE
    - online not ready by 08
  - AAMVA "drivers" system
    - but DHS might want its own system
  - SAVE system
  - passport online system - state dept.
- no OTC Business - receipt
- maybe 48 service centers - proposal
  - not one in each county
  - change stat re vision testing in each county

- feds talking about bringing everybody in w/in 5 years of May 08  
- not wait til 8 yrs. after May 08

- paper instruction permits — who get license after eff. date

- feds : before 1936, don't need birth certificate

- rule-making — DHS will drop verification of address from rules  
- probably mailing will be verified

- ~~not~~ surcharges to cover costs
- want to be able to use credit cards

from mtg 3/29/06

# REAL ID & IMPACTS FOR WISCONSIN

3/28/2006 REAL ID 1

## Introduction

- On May 11, 2005, President Bush signed the Real ID Act into law.
- The Real ID Act mandates that by May, 2008, a state driver's license or ID card cannot be used for boarding an airplane, entering a federal courthouse or any other federal use unless it meets specific federal requirements.
- States are still waiting for completion of Department of Homeland Security rulemaking on Real ID. Rules are expected in early 2007, with draft rules expected summer, 2006.

3/28/2006 REAL ID 2

## REAL ID Requirements

- The provisions in the federal Real ID Act require a number of data elements. Potential issues involve the following:
  - Defining full legal name & gender
  - Whether the digital photograph, signature and other information will need to be included in the bar code and whether the bar code will be encrypted
  - Defining the person's address of principal residence
  - Determining what product the card will be issued on and how printing will occur

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## REAL ID Requirements

- States may only accept certain documents to determine identity and residency & must scan, retain & verify documents with the issuing agency.
- It appears five verification systems will be needed for source documents:
  - SS# (already exists)
  - Birth Certificate (does not exist)
  - Out-of-State DL/ID (does not exist)
  - Documents establishing legal Permanent or conditional residents (SAVE System – partially functioning)
  - U.S. Passport (does not exist)

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## REAL ID Requirements

- To comply with the Real ID Act, states may need to change certain practices, depending upon rules, including:
  - ◆ No longer issuing products over the counter but rather going to central mail issuance
  - ◆ Taking picture earlier in the process of each applicant requiring physical changes to stations
  - ◆ Needing verification, scanning, and high-speed data connections such that it will be impossible to maintain the current 103 DMV service centers
  - ◆ Issuing staff may need various background checks

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## Impacts To Wisconsin

- Other changes that have begun:
  - ◆ Legal presence statute to comply
  - ◆ Temporary license system showing when legal presence expires to comply
- States may choose to issue driving certificates and/or non-REAL ID compliant ID's but this would require enabling legislation.
- Rule-making will have a major impact on requirements, timelines, etc... For example, it appears DHS recognizes impossibility of verification of address.

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## Impacts To Wisconsin

- Rulemaking will impact these areas too:
  - ◆ Proposed rules give states 5 years to implement new requirements. WI has 8-year cycle; thus increased costs/ wait times b/c 8 years work in 5 years
  - ◆ It appears unlikely that all verification systems will be available May, 2008
  - ◆ It is unclear if people will need to present documents such as birth certificates every time they renew or only need to present documents once
  - ◆ It is unclear if there will be exceptions for religious or other reasons to photo or SS# requirements

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## Funding Concerns

- To date, Congress has only allocated \$40 Million for all states. \$6 Million is to be used for pilot programs in Kentucky and New Hampshire.
- Not sure when other funds will be available and how it will be distributed. A lot depends on rule-making.
- Costs for Wisconsin vary widely depending on rule-making and various interpretations of the law.
- For example, proposed card will cost five times more than current cards cost.
- WI start-up costs will likely be in excess of \$10 million + additional annual costs.

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**Gary, Aaron**

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**From:** Egan, Erin  
**Sent:** Thursday, July 20, 2006 11:28 AM  
**To:** Baetsen, Karen; Gary, Aaron  
**Subject:** REAL ID rules - January 2007

FYI -- Lynne learned at the AAMVA regional conference last week that the preliminary rules for REAL ID will not be out until early next year. No word yet if we will get an extension beyond May 11, 2008 to implement.

Erin Egan  
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