



State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 08/30/2006 (By: ARG)





Appendix A ... Part 01 of 02

 The 2005 drafting file for LRB-4307

has been transferred to the drafting file for

2007 LRB-0003

 This cover sheet, the final request sheet, and the final version of the 2005 draft were copied on yellow paper, and returned to the original 2005 drafting file.

 The attached 2005 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2005 DRAFTING REQUEST

Bill

Received: 12/30/2005

Wanted: Soon

For: Transportation

This file may be shown to any legislator: NO

May Contact:

Subject: **Transportation - driver licenses**

Received By: agary

Identical to LRB:

By/Representing: **Erin Egan**

Drafter: agary

Addl. Drafters:

Extra Copies: **PJH**

*Moved
file "guts" 11
to
2007 LRB-0003
ARG
8/30/06*

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Implementation of REAL ID Act

Instructions:

See Attached

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> |
|--------------|---------------------|---|------------------------|----------------|------------------------|-----------------|-----------------|
| /P1 | agary 03/06/2006 | wjackson 03/23/2006 lkunkel 03/24/2006 | jfrantze 03/24/2006 | _____ | lnorthro 03/24/2006 | | State |

FE Sent For:

<END>

109 P.L. 13, *; 119 Stat. 231;
2005 Enacted H.R. 1268; 109 Enacted H.R. 1268

PUBLIC LAW 109-13 [H.R. 1268]
MAY. 11, 2005

109 P.L. 13; 119 Stat. 231; 2005 Enacted H.R. 1268; 109 Enacted H.R. 1268

DIVISION A--EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

DIVISION B--REAL ID Act of 2005

[*3] Sec. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION B--REAL ID ACT OF 2005

[*1] Sec. 1. SHORT TITLE.

This division may be cited as the "REAL ID Act of 2005".

TITLE II--IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

[*201] Sec. 201. DEFINITIONS.

In this title, the following definitions apply:

(1) Driver's license.-- The term "driver's license" means a motor vehicle operator's license, as defined in *section 30301 of title 49, United States Code*.

(2) Identification card.-- The term "identification card" means a personal identification card, as defined in *section 1028(d) of title 18, United States Code*, issued by a State.

(3) Official purpose.-- The term "official purpose" includes but is not limited to accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine.

(4) Secretary.-- The term "Secretary" means the Secretary of Homeland Security.

(5) State.-- The term "State" means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

[*202] Sec. 202. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.

(a) Minimum Standards for Federal Use.--

(1) In general.-- Beginning 3 years after the date of the enactment of this division, a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section.

(2) State certifications.-- The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Transportation, may prescribe by regulation.

(b) Minimum Document Requirements.-- To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver's license and identification card issued to a person by the State:

- (1) The person's full legal name.
- (2) The person's date of birth.
- (3) The person's gender.
- (4) The person's driver's license or identification card number.
- (5) A digital photograph of the person.
- (6) The person's address of principle residence.
- (7) The person's signature.
- (8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.
- (9) A common machine-readable technology, with defined minimum data elements.

(c) Minimum Issuance Standards.--

(1) In general.-- To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver's license or identification card to a person:

- (A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth.
- (B) Documentation showing the person's date of birth.
- (C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number.
- (D) Documentation showing the person's name and address of principal residence.

(2) Special requirements.----

(A) In general.--To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

(B) Evidence of lawful status.--A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person--

- (i) is a citizen or national of the United States;
- (ii) is an alien lawfully admitted for permanent or temporary residence in the United States;
- (iii) has conditional permanent resident status in the United States;
- (iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;
- (v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- (vi) has a pending application for asylum in the United States;
- (vii) has a pending or approved application for temporary protected status in the United States;
- (viii) has approved deferred action status; or
- (ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(C) Temporary drivers' licenses and identification cards.--

(i) In general.--If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

109 P.L. 13, *; 119 Stat. 231;
2005 Enacted H.R. 1268; 109 Enacted H.R. 1268

(ii) Expiration date.--A temporary driver's license or temporary identification card issued pursuant to this subparagraph 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.

(iii) Display of expiration date.--A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.

(iv) Renewal.--A temporary driver's license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.

(3) Verification of documents.-- To meet the requirements of this section, a State shall implement the following procedures:

(A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).

(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009-664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver's license or identification card.

(d) Other Requirements.--To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers' licenses and identification cards:

(1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

(2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.

(3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.

(4) Establish an effective procedure to confirm or verify a renewing applicant's information.

(5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and take appropriate action.

(6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license.

(7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced.

(8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements.

(9) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards.

(10) Limit the period of validity of all driver's licenses and identification cards that are not temporary to a period that does not exceed 8 years.

(11) In any case in which the State issues a driver's license or identification card that does not satisfy the requirements of this section, ensure that such license or identification card--

109 P.L. 13, *; 119 Stat. 231;
2005 Enacted H.R. 1268; 109 Enacted H.R. 1268

(A) clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and

(B) uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose.

(12) Provide electronic access to all other States to information contained in the motor vehicle database of the State.

(13) Maintain a State motor vehicle database that contains, at a minimum--

(A) all data fields printed on drivers' licenses and identification cards issued by the State; and

(B) motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

[*203] Sec. 203. TRAFFICKING IN AUTHENTICATION FEATURES FOR USE IN FALSE IDENTIFICATION DOCUMENTS.

(a) Criminal Penalty.--*Section 1028(a)(8) of title 18, United States Code*, is amended by striking "false authentication features" and inserting "false or actual authentication features".

(b) Use of False Driver's License at Airports.--

(1) In general.-- The Secretary shall enter, into the appropriate aviation security screening database, appropriate information regarding any person convicted of using a false driver's license at an airport (as such term is defined in *section 40102 of title 49, United States Code*).

(2) False defined.-- In this subsection, the term "false" has the same meaning such term has under *section 1028(d) of title 18, United States Code*.

[*204] Sec. 204. GRANTS TO STATES.

(a) In General.--The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this title.

(b) Authorization of Appropriations.--There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this title.

[*205] Sec. 205. AUTHORITY.

(a) Participation of Secretary of Transportation and States.--All authority to issue regulations, set standards, and issue grants under this title shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.

(b) Extensions of Deadlines.--The Secretary may grant to a State an extension of time to meet the requirements of *section 202(a)(1)* if the State provides adequate justification for noncompliance.

[*206] Sec. 206. REPEAL.

Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) is repealed.

[*207] Sec. 207. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under *chapter 303 of title 49, United States Code*.

THE OVERSEAS TERRITORIES AND COMMONWEALTHS OF THE UNITED STATES OF AMERICA*

RÉSUMÉ :

LES "COMMONWEALTHS" ET TERRITOIRES D'OUTRE-MER DES ÉTATS-UNIS D'AMÉRIQUE

©Mr. Daniel H. MACMEEKIN**
Partner, MacMeekin & Woodworth, Attorneys at Law

The territories of Guam, the United States Virgin Islands, and American Samoa, and the Commonwealths of Puerto Rico and the Northern Mariana Islands are the principal overseas dependencies of the United States.¹ All are islands (or groups of islands), and each is economically less developed than any State of the United States.

The United States also asserts sovereignty over, and administers, a number of mostly tiny islands: Howland, Baker, and Jarvis Islands; Kingman Reef; and Johnson, Palmyra, Wake, and Midway Atolls, all in the Pacific; and Navassa Island in the Caribbean. These islands, which do not have permanent populations, are often referred to as "possessions".

Linked to the United States by "Compacts of Free Association" are the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.² Each of these "freely associated states" retains national sovereignty—indeed, each is a member of the United Nations—but maintains a close economic and security relationship with the United States through the Compacts. Because of their sovereign status, the freely associated states are not further treated in this article.³

The democratic dilemma

The territories and commonwealths of the United States challenge the democratic principles of the United States. Each of these jurisdictions—Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands—is governed under a different political arrangement (although the arrangements for Guam and the Virgin Islands are quite similar). But none enjoys full participation in the national political life of the United States. Although the United States is a representative democracy, the inhabitants of the territories and commonwealths do not have equal rights to participate in that democracy.

For file

(3) Official purpose.-- The term "official purpose" includes but is not limited to accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine.

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[*205] Sec. 205. AUTHORITY.(a) Participation of Secretary of Transportation and

States.--All authority to issue regulations, set standards, and issue grants under this title shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.

(END)

DOT meeting - REAL ID

1/11/06

~~for~~

AB 69/sub,
full legal name

gender

principal residence

- homeless?

digital photo of person & signature; birth?

• AAMVA: ~~active~~ want online system of birth certificate verification

• verification of principle residence

→ • AAMVA: ^{subject} party to address is the verification

• driving certificate

- Utah & Tennessee: unable or unwilling to provide info. to get DL

• parallel track

- unable or unwilling to provide info./docs. for DL

• VA recommends

- scanning equip.
- electronic copies of source docs, for 10 yrs
- photo of each applicant - not per se issued
- background checks for issuing staff
 - central issuance ?? probably
- security of issuing facility

-
- legal presence - AB-69
 - driving cent. and/or ^{REAL ID} non-compliant ~~IDs~~ IDs
 - SAVE system
 - ↳ alien verification
 - temporary license w/ expiration
 - racial profiling?
 - issuance: scan relevant docs, photo of applicant, & verification
 - probably not over the counter issuance state
 - develop verification systems

rules

- grandfathering?
- verification procedures
- verification each time or 1st time
- non-photos for particular reason (military/religious)

↳ driving certificate eligible?

- full legal name
- what to do w/ non-match w/ SSA re name/DOB
 - customer responsible for rectifying?
- take photo of applicants at beginning of process?
- central issuance at DMV? not OTC

~~Confirms: \$40 M for all 50 states~~

steering committee, policy team, issue teams

AAMVA: 2-D bar code OK
= no computer chip.

- 48 states belong to IAA
- AAMVA: recommends IAA member serves as certification to HS

• will other states accept ^{WI}
driving certificate?

Log Team

• contact by e-mail

- ↓
- OTC - receipt
- ↓
- DKA - dust off - separate draft
- ↓
- photo - no 1st ~~am~~
- ↓
- assume fed stat ~~copy~~ means
what it says - no
discretion in rule-making
- ↓
- verification - "agency"
- voter

Gary, Aaron

From: Egan, Erin
Sent: Tuesday, January 10, 2006 3:12 PM
To: Gary, Aaron; Egan, Erin
Cc: Nilsen, Paul
Subject: RE: LRB-4307: REAL ID Act implementation

Hi Aaron,

Thank you for coming to the REAL ID meeting today. I'm glad you're working on the draft already, since this is such a big issue for us.

Here's my answers:

1. I agree that the process under s. 343.11 would be sufficient for a temporary driving receipt, if we go to central office issuance.
2. The verification of principal residence is a huge issue for states, and is being hotly debated during the rulemaking process. We have made the feds aware of the difficulty of this requirement, using the very example of MG&E you cited. Some states have proposed using central office issuance as the means to verify residence. For a list of acceptable documents, can you use the AAMVA approved list I handed out today? That's the safest place to start.
- 3 & 4. I agree. As soon as the Policy Team makes a determination about DLA, I'll let you know.

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Tuesday, January 10, 2006 2:36 PM
To: Egan, Erin
Cc: Nilsen, Paul
Subject: LRB-4307: REAL ID Act implementation

Hi Erin,

The draft I will be working on for DOT is LRB-4307. As I said, I have been working on this draft (in bits and pieces) based upon the language of the federal legislation. Based upon my work so far and our meeting today, I wanted to raise a few issues now, either for your present consideration or, if you do ask for pre-rule guidance from the feds, to potentially address to them.

1. Over-the-counter/instant issuance: Based upon my memory, I don't think the statutes are structured to foster a process of instant issuance, so I don't believe many statutory changes would be necessary to move away from that. Under s. 343.11, a receipt may be issued to serve as a temporary license while the application is processed. Does DOT want to use this process under s. 343.11 (issuance of non-photo receipt to authorize operation while verification procedures are followed) and if so, is there any reason why this wouldn't satisfy REAL ID requirements if a REAL ID compliant license were then issued? Of course, applicant would not be able to use the receipt as "federal ID" in the interim, and obviously this "temporary" license needs to be distinguished from the temporary license under REAL ID.
2. Verification: Verification must be made with the "issuing agency" under the REAL ID Act, presumably meaning a governmental entity. Will "principal residence" be required to be proved only with a government issued document, rather than, for example, an MGE bill? This might be a good follow up to the feds. If private entity document is acceptable, do you want to use something like the list of acceptable proofs of

residence for voting purposes, see s. 6.55 (7) (excluding, of course, DLs and ID cards).

3. In promulgating the federal regulations, the department of homeland security technically does not have authority to promulgate rules inconsistent with the enabling legislation of REAL ID, so in drafting at this point I will assume that the fed stat will be implemented according to its plain meaning and without exceptions that do not appear in the REAL ID Act. Almost all courts have found no first amendment right to avoiding a photo on a DL, so for now, I will assume that a photo will be required without exception. Obviously we can change that later if necessary.

4. Let me know when you want to dust off the DLA draft. When the time comes, I think it is important to work on that separately and then merge it with the "REAL ID" draft at the end if you want.

I will work on the REAL ID draft in bits and pieces as I have time, until mid-March when I can then focus on it. I am hoping to have something done by the end of March that is basically just a framework of what seems to me to be statutory changes required to implement the federal law. That base draft can then be used to make changes and to add additional elements, such as driving certificates, etc.

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

Gary, Aaron

From: Egan, Erin
Sent: Tuesday, January 10, 2006 2:59 PM
To: Alley, Rhonda; Baetsen, Karen; Biermeier, Anna; Egan, Erin; Fernan, Patrick; Frazier, Carson; Kavulich, Susan; Kraemer, Debbie; Nilsen, Paul; Reincke, Donald; Talley, Aaron; Traska, Marcia
Cc: Gary, Aaron
Subject: REAL ID Leg and Funding Team Jan 10th Meeting Summary
Attachments: Leg and Funding Overview.doc; Section Analysis.doc

January 10th Meeting Summary

Present: Paul Nilsen, Susan Kavulich, Rhonda Alley, Don Reincke, Marcia Traska, Karen Baetsen, Aaron Talley, Erin Egan

The team discussed the attached team overview, which includes team members, fundamental policy questions, and key issues for our team. Our team is like the IT team that Anna described this morning: we do not make the policy decisions, we are to determine what statutory and rule changes are needed based on decisions that other teams make.

I've also attached a spreadsheet from the initial analysis team in early June. Again, this was an early analysis, so some items have changed.

Aaron Gary, from the Legislative Reference Bureau, also attended the meeting. He is working on a bill draft, based on the federal legislation. He would prefer to work directly with us so the bill draft can be given to DOA during the budget process.

Other potential contacts:
Legislative Fiscal Bureau: Jon Dyck
DOA: Joe'mar Hooper and Sam Harschner

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

REAL ID Legislation, Funding, and Rules Team

Team Members:

Erin Egan & Carson Frazier - Leaders
Karen Baetsen - Facilitator
Don Reincke
Marcia Traska
Anna Biermeier
Rhonda Alley
Paul Nilsen
Susan Kavulich
Patrick Fernan
Aaron Talley
Deb Kraemer

Fundamental Policy Question:

What statutory and administrative rule changes, and what funding amounts and sources, are needed to realize the recommended alternative to implement REAL ID?

Key Issues That Require Recommendations:

- The following issues have been identified as needing statutory change:
 - Require legal presence in the US in order to obtain license (see status of lawful presence legislation)
 - Establish expiration dates, as required under federal law, for DL/ID cards issued to aliens with temporary stay in US
 - Establish the difference between driver license and driving certificate, and whether driving certificate will be optional at the applicant's request or only at DOT mandate
 - Authorize DOT to require or request applicants to provide documentation – clarify whether this is for first-time DL applicants only, or for all applicants, including renewals, duplicates, reinstatements, etc
 - Determine what to do about people who are unable to provide a verifiable SSN
 - Determine whether religious exemption to photograph will be allowed, or for physical disfigurement; if not, repeal this allowance
 - Authorize DOT to share information with other states, including changing current statutory language regarding sharing photo and signature with law enforcement, if appropriate
 - If recommended alternative contracts the outlets for DL issuance, repeal provision requiring vision testing in all counties, or to accommodate new ways of service delivery instead of closing some sites
 - If recommended alternative involves only central office DL issuance, statutory language would be needed to explicitly state what “central office issuance” means and how it will be done

- 343.14 (2)(br) may have to be deleted. Will we still allow people to certify they don't have a Social Security number, or require proof of conditional resident status instead? What about DWD prescribing form?
- 343.17 (3) – need to include “Temporary” brand for conditional residents.
- Should DLA be included as part of this package? What additional benefits would DLA offer to Wisconsin that would justify its inclusion in this package? How do we overcome the DOA issue of “complexity” and drafting issues that DMV had with the previous draft (note: see Wildlife Violator Compact as an example)
- How will REAL ID be funded? One-time vs. ongoing costs? What about costs to other agencies (I.e., DHFS / EVVE, etc)? What funding sources (federal and state) are available?
- What current administrative rule language needs to be changed?
- What alternatives should be presented in the issue paper?
- Can we obtain statutory direction to implement some REAL ID requirements by rule change, since DHS rules will not be completed for some time?

Recommendations Due By:

To be determined by biennial budget process

Meeting Schedule:

- To be determined
- Conference calls can be used to minimize travel

Meeting Question:

- What issues should be discussed and determined first?

APPENDIX B - SUMMARY OF HR 1268, "REAL ID" ACT

Provisions in **bold text** appear to have no IMPACT ON Wisconsin, pending federal rule.

| SECTION 202. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION | |
|---|--|
| (a) MINIMUM STANDARDS FOR FEDERAL USE | |
| | Beginning 3 years after the effective date of the act, federal agencies are prohibited from accepting a DL / ID issued by a State unless the State meets the requirements of this act. |
| (1) In General | |
| (2) State Certifications | The Secretary of Homeland Security shall determine if a state is meeting requirements based on certifications from the state. |
| (b) MINIMUM DOCUMENT REQUIREMENTS | |
| (1) | Driver's licenses and identification cards must include full legal name |
| (2) | Driver's licenses and identification cards must include date of birth |
| (3) | DL/IDs must include gender |
| (4) | DL/IDs must include DL or ID number |
| (5) | DL/IDs must include digital photograph |
| (6) | DL/IDs must include address of principle residence |
| (7) | DL/IDs must include person's signature |
| (8) | DL/IDs must include physical security features designed to prevent tampering, counterfeiting, or duplication for fraudulent purposes |
| (9) | DL/IDs must include a common, machine-readable technology with minimum data elements |
| (c) MINIMUM ISSUANCE STANDARDS | |
| (1) (A) In General - Identity | State shall require presentation and verification of a photo identity document or non-photo identity document that includes full legal name and date of birth |
| (1) (B) In General - DOB | State shall require presentation and verification of documentation of person's date of birth |
| (1) (C) In General - SS# | State shall require presentation and verification of proof of the person's Social Security #, or verification that the person is not eligible for a SS# |
| (1) (D) In General - Residency | State shall require presentation and verification of documentation showing the person's name and address of principle residence |
| | IMPACT ON WI |
| | If WI does not comply, citizens will not be able to board planes, enter federal buildings or nuclear power plants |
| | WI will have to prepare annual certification |
| | IMPACT ON WI |
| | WI will have to require full legal name, including middle name |
| | In compliance |
| | In compliance |
| | In compliance |
| | In compliance |
| | In compliance |
| | In compliance, if digital facsimile of signature is permitted |
| | |
| | In compliance |
| | In compliance (2D barcode), pending federal rule & definition of minimum data elements |
| | IMPACT ON WI |
| | Proof of identity is required, but do not have processes in place to verify photo identity or non-photo identity documents. |
| | DOB is required, but o not have processes in place to verify. Can verify SS# with SSOLV. Form MV 3741/3742 is for SS# noneligibility certification, but is self-certification and is not verified. |
| | Proof of residency is required, but do not verify documents. |

| | | |
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| (2) (A) Special Requirements - Minimum Standards | States must comply with the minimum standards of this paragraph to meet requirements | Unclear, pending federal rulemaking |
| (2) (B) Special Requirements - Evidence of Lawful Status | A DL/ID applicant must provide valid documentary evidence of lawful status: (i) citizenship, (ii) lawful permanent/temporary resident, (iii) conditional resident, (iv) approved application for asylum, (v) valid, unexpired nonimmigrant visa or nonimmigrant visa status, (vi) pending application for asylum, (vii) pending/approved application for temporary protected status, (viii) approved deferred action status, or (ix) pending application for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional residence. | WI does not require any of this information |
| (2) (C) Special Requirements - Temporary Licenses | States may only issue temporary licenses to someone presenting evidence under (v) through (ix) under subpara (B). Licenses may only be valid only during time of applicant's authorized stay, not to exceed one year. Licenses must clearly state they are temporary and include an expiration date, and may only be renewed upon presentation of valid document evidence that status has been extended. | Currently, expiration dates are determined by birth date and type of license (PROB, RGLR, etc). The expiration date logic must be changed for temporary licenses. New Viisage contract allows license to be branded as temporary. |
| (3) Verification of Documents | Verification of Documents: States must verify the validity and completeness of documents presented under paragraphs 1 & 2. States shall not accept any foreign document, other than an official passport. States must enter a MOU with DHS by 9/11/05 to agree to utilize the Systematic Alien Verification for Entitlements (SAVE) system to verify the legal presence status of an applicant who is not a citizen. | WI must enter into MOU with DHS to utilize SAVE system, and program link to SAVE system. Also, we don't verify documents from other states, which this legislation requires. |
| (d) OTHER REQUIREMENTS | | |
| (1) | Capture digital images of identity source documents so that they can be retained in electronic storage in a transferable format | New, no images of source documents are captured now. |
| (2) | Retain paper copies of source documents for a minimum of 7 years or images of source documents for 10 years | New, no images of source documents are captured now. |
| (3) | Capture facial image (mandatory) of each person applying for a driver's license or identification card | May require changing procedures if field. We currently take the picture at the end of the process. This may require the photo be taken first. |
| (4) | Establish an effective procedure to confirm or verify a renewing applicant's information | New, how do we verify renewing applicant's info? |
| (5) | Confirm Social Security number with SSA, resolve discrepancies, and take appropriate action for numbers already | Have SSOLV to confirm SS#, and procedures for numbers already in use, but those procedures do not address numbers in use in other |

| | | |
|--|---|---|
| | in use by another person | states (unless CDL) |
| | Refuse to issue a DL / ID to a person holding a license issued by another state without confirmation that person is terminating the DL / ID from the other state | In compliance, if not required to receive on-the-spot confirmation that other license is terminated |
| (6) | | |
| | Ensure physical security of locations where the DL / ID is produced and documents used to produce the DL / ID | Unclear, depends on definition of physical security |
| (7) | | |
| | Subject all persons authorized to manufacture or produce DL / ID to security clearance requirements | New DMV employees are checked. Would need to check existing employees, and employees of vendors. |
| (8) | | |
| | Establish fraudulent document recognition training program for employees | Done in BFS, must expand to include central office. |
| (9) | | |
| | Limit the period of validity for the DL / ID to eight years | In compliance |
| (10) | | |
| | For states that issue a DL / ID that do not meet these requirements (i.e., driving certificates issued to illegal aliens), the DL / ID must clearly state that they cannot be accepted by a federal agency for any official purpose, and must use a unique design or color indicator to alert federal agents and law enforcement personnel. | WI currently issues driver's licenses to illegal aliens, which cannot be done under this legislation. Notice of intent and instruction permits may need to be changed to clearly indicate they are temporary, and not to be used for identification |
| (11) | | |
| | Requires states to provide electronic access to all other States to information contained in MV databases | Nothing in place; system must be built |
| (12) | | |
| | Requires state MV databases to include all data fields printed on DL/ID, and driver history, including violations, suspensions, and points | In compliance |
| (13) | | |
| SECTION 203 TRAFFICKING IN AUTHENTICATION FEATURES FOR USE IN FALSE IDENTIFICATION DOCUMENTS | | |
| | Amends Section 1028 (a)(8) of title 18, US Code by striking "false authentication features" and inserting "false or actual authentication features" | IMPACT ON WI |
| (a) CRIMINAL PENALTY | | None |
| (b) USE OF FALSE DL/ID AT AIRPORTS | Requires Homeland Security to include information about persons convicted of using false IDs to board airplanes | None |
| SECTION 204 GRANTS TO STATES | | |
| | The Secretary of Homeland Security may make grants to a state to assist in conforming to the minimum standards set forth in this title | IMPACT ON WI |
| (a) IN GENERAL | | Will apply if funds are appropriated |
| (b) AUTHORIZATION OF APPROPRIATIONS | | |
| SECTION 205 AUTHORITY | | |
| (a) PARTICIPATION OF SECY OF TRANS AND STATES | All authority to issue regulations, certify standards, and issue grants shall be carried out by the Secretary of the Dept of | No funds appropriated in the legislation IMPACT ON WI DHS has authority |

| | | |
|--|--|--|
| | Homeland Security, in consultation with the Secretary of Transportation and the States | |
| (b) EXTENSION OF DEADLINES | The Secretary of DHS may grant an extension of time to meet the requirements of 202(1)(a) if the State provides adequate justification | How long of an extension will DHS grant? When will rules be done? |
| SECTION 206 REPEAL | | IMPACT ON WI |
| | Repeals Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) | None, IRTA rules were still being written and were not implemented. |
| SECTION 207 LIMITATION ON STATUTORY CONSTRUCTION | | IMPACT ON WI |
| | Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under Chapter 303 of title 49, US Code | No impact; DOT keeps authority for National Driver Register (PDPS) |

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U.S. Resources

| Resource | Data Elements | | | | | | |
|--|---------------------------------|-----------------------|----------------|----------|---------------------------|-------------------------------------|------------|
| | A Legal ¹ Name | B Date of Birth | C Signature | D SSN | E Address ² | F Legal Presence ³ | G Photo |
| U.S. State, Local Government-issued Certificate of Birth | • | • | | | | • | |
| U.S. Government-issued Consular Report of Birth Abroad | • | • | | | | | |
| U.S. Passport | • | • | • | | | • | • |
| Valid Foreign Passport with Appropriate Immigration Document(s) | • | • | • | | | • ³ | • |
| Certificate of Citizenship (N560) | • | • | | | | • | |
| Certificate of Naturalization (N550) | • | • | | | | • | |
| Valid U.S. Jurisdiction-issued DL/ID/Photo Learner's Permit (<i>Photo Learner's Permit must include signature</i>) | | • | • | | | | • |
| Valid U.S. Active Duty/Retiree/Reservist Military ID Card (DOD ID DD-2) | • | • | • | • | | | |
| Valid DOD Common Access Card (CAC) (<i>Card must contain photo, name, DOB, branch of service and military status.</i>) | • | • | | | | | • |
| Valid U.S. Uniform Services ID and Privileges Card (DD1173) | • | | | | | | |
| Valid U.S. Tribal or Bureau of Indian Affairs ID Card (<i>1 of 578 recognized tribes – only from local tribes with an MOU with jurisdiction and the data elements can be verified</i>) | • | • | | | | | • |
| Social Security Card | | | • | • | | | |
| Valid DHS/USCIS I-551 Resident Alien Card issued since 1997. (<i>Cards issued prior to this date need to be screened for appropriate security features.</i>) | • | • | | | | • | • |
| Valid DHS/USCIS I-688 Temporary Resident Identification Card | • | • | | | | • | |
| Valid DHS/USCIS I-688B, I-766 Employment Authorization Card | • | • | | | | • | |
| Valid DHS/USCIS I-571 Refugee Travel Document | | | | | | • | |
| DHS/USCIS I-797 Notice of Action | | | | | | • | |
| DHS/TSA Transportation Worker Identification Credential (TWIC) | • | | | | | • | • |
| Court Order for Name Change/Gender Change/Adoption/Divorce – no others (<i>Legal Name / DOB / Court Seal required to accept the order</i>) | • | | | | | | |
| Marriage Certificate (<i>Government Issued</i>) | • | | • | | | | |
| U.S. Department of Reception and Placement Program Assurance Form (<i>Refugee</i>) | | | | | | • | • |

¹ Different names on resource items will require the applicant to provide various items from the list and may result in an exception procedure. See Procedure manual for further explanation.

² A minimum of two (2) resource items from the list are required as proof of address.

³ The appropriate immigration document(s) determine legal presence. Not the passport itself.

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U.S. Resources

| Resource | Data Elements | | | | | | |
|---|---------------------------------|-----------------------|----------------|----------|---------------------------|------------------------|------------|
| | A Legal ¹ Name | B Date of Birth | C Signature | D SSN | E Address ² | F Legal Presence | G Photo |
| Utility Bill | | | | | • | | |
| Your Jurisdiction Voter Registration Card | | | | | • | | |
| Vehicle Registration Card/Title <i>(At least 30 days old)</i> | | | | | • | | |
| Paycheck Stub with Customer Name/Address | | | | | • | | |
| Your Jurisdiction's Medical Assistance Card | | | | | • | | |
| Your Jurisdiction's Public Assistance Card | | | | | • | | |
| Spouse/Parent Affidavit <i>(Verify parent address)</i> | | | | | • | | |
| Cancelled Check or Bank Statement | | | | | • | | |
| Mortgage Documents | | | | | • | | |

¹ Different names on resource items will require the applicant to provide various items from the list and may result in an exception procedure. See Procedure manual for further explanation.

² A minimum of two (2) resource items from the list are required as proof of address.