

IN THE SENATE

SENATE BILL NO. 1069

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO REAL ID; AMENDING SECTION 40-322, IDAHO CODE, TO PROVIDE THAT
2 WHEN THE IDAHO TRANSPORTATION BOARD AND THE IDAHO TRANSPORTATION DE-
3 PARTMENT ACHIEVE APPROVAL BY THE DEPARTMENT OF HOMELAND SECURITY FOR
4 ISSUANCE OF REAL ID COMPLIANT DRIVER'S LICENSES AND IDENTIFICATION
5 CARDS, APPLICANTS SHALL BE OFFERED THE OPTION OF OBTAINING A REAL ID
6 COMPLIANT OR A REAL ID NONCOMPLIANT DRIVER'S LICENSE OR IDENTIFICATION
7 CARD, TO PROVIDE THAT APPLICANTS SHALL BE PROVIDED WITH SPECIFIED IN-
8 FORMATION REGARDING REAL ID COMPLIANT AND REAL ID NONCOMPLIANT CARDS
9 AND TO MAKE A TECHNICAL CORRECTION.
10

11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Section 40-322, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 40-322. DIRECTIVE ON IMPLEMENTATION OF THE FEDERAL REAL ID ACT OF
15 2005. (1) The legislature finds that the enactment into law by the U.S. con-
16 gress of the REAL ID act of 2005, as part of public law 109-13, was adopted by
17 the U.S. congress in violation of the principles of federalism contained in
18 the 10th amendment to the constitution of the United States. The legisla-
19 ture reaffirms this position, while acknowledging that failure to implement
20 certain provisions could adversely affect Idaho's citizens and businesses.
21 Furthermore, it is the intent of the legislature to continue to protect the
22 privacy and security of the state's residents.

23 (2) The legislature hereby declares that the state of Idaho shall:

24 (a) Meet the requirements for driver's licenses and identification
25 cards, as described in title II of the REAL ID act of 2005, as such re-
26 quirements existed on January 1, 2016;

27 (b) Not comply with any additional requirements enacted after January
28 1, 2016, without the express statutory approval of the Idaho state leg-
29 islature;

30 (c) Submit compliance extension requests and status reports for the
31 purposes outlined in paragraph (a) of this subsection to the United
32 States department of homeland security.

33 (d) At such time as the Idaho transportation board and the Idaho trans-
34 portation department achieve approval by the department of homeland se-
35 curity for issuance of REAL ID compliant driver's licenses and identi-
36 fication cards, any applicant for an Idaho driver's license or identi-
37 fication card shall be offered the option of obtaining a REAL ID compli-
38 ant license or identification card or an Idaho driver's license or iden-
39 tification card that is not REAL ID compliant. In offering an applicant
40 the option of a REAL ID compliant or REAL ID noncompliant driver's li-
41 cence or identification card, the department shall provide the appli-

1 cant with written information of the following for both REAL ID compli-
2 ant and noncompliant driver's licenses and identification cards:

3 (i) The purposes for which REAL ID compliant and noncompliant
4 driver's licenses and identification cards are valid;

5 (ii) What types, if any, of electronic copies of source documents
6 will be retained by the department for REAL ID compliant and non-
7 compliant driver's licenses and identification cards;

8 (iii) Whether facial image capture will be retained by the depart-
9 ment, even if a driver's license or identification card is not is-
10 sued, for REAL ID compliant and noncompliant driver's licenses and
11 identification cards; and

12 (iv) Any other information the department deems necessary to
13 inform the applicant about REAL ID compliant and noncompliant
14 driver's licenses and identification cards.

15 (3) This act shall be construed as to allow the Idaho transportation
16 board and the Idaho transportation department to take reasonable and neces-
17 sary steps to enhance the security of Idaho state driver's licenses and iden-
18 tification cards to ensure their acceptance for commercial airline travel
19 within the United States.

20 (4) Beginning January 1, 2016, the department shall report to the
21 senate transportation committee and the house of representatives trans-
22 portation and defense committee on the acceptance of compliance extension
23 requests and status reports to the United States department of homeland se-
24 curity, as set forth in subsection (2) of this section. Such report shall be
25 submitted concurrently with the department's report on progress the depart-
26 ment is making toward upgrading and implementing the division of motor vehi-
27 cles' automated system. Such report shall be submitted no later than January
28 1 of each year through 2020, unless extended or revoked by the legislature.