



**Real ID  
Final Rule  
Inspection Checklist**

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**Working Document**

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## **Introduction**

This inspection checklist was prepared for the State of Kentucky by Clerus Solutions LLC with the assistance of the Department of Homeland Security. The checklist will aid in the preparation of a gap analysis comparing Kentucky's current environment with the requirements for attaining Real ID compliance. This gap analysis is a critical step in the development of a comprehensive compliance plan explaining the steps Kentucky would need to take should it decide to implement Real ID. Other States may also find this inspection checklist useful in performing their own gap analysis.

This checklist provides additional insight into what is needed for Real ID compliance. The comments may prove especially useful in better understanding many of the requirements stated in the Real ID Final Rule. In addition, the checklist indicates which requirements DHS considers to be needed for "Material Compliance" and which are not needed until "Full Compliance". For items needed as part of "Material Compliance", the benchmark number given refers to the "Material Compliance Checklist" published by DHS.

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## Real ID Final Rule Inspection Checklist

Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
<b>1 PERIOD OF VALIDITY</b>					
1. Does the State only issue Real ID cards that are not valid for a period of that exceeds eight years (may be less than eight years).	37.5 (a)			√	While not a benchmark for Material Compliance, DHS would expect that materially compliant licenses would not exceed 8 year validity. DHS recognizes that States may issue licenses for a period exceeding 8 years where State law, regulation or policy allows early renewal of licenses.
<b>2 TAKING AND STORING FACIAL IMAGES</b>					
2.1 Is the facial image of an applicant for a Real ID captured regardless of whether the Real ID is issued or not?	37.11 (a) 37.31 (b) (2)	√	1		
2.2 Is the facial image stored in a JPEG 2000 format or a format that is interoperable with JPEG 2000?	37.11 (a) 37.31 (b) (2)			√	
2.3 Is the facial image stored in an open format and without any proprietary wrappers?	37.11 (a) 37.31 (b) (2)			√	
2.4 If the Real ID is not issued, is the facial image kept on file for at least five years?	37.11 (a) (1)			√	
2.5 If the Real ID is issued, is the facial image stored for at least two years beyond the expiration date of the card?	37.11 (a) (2)			√	

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<b>3 DECLARATION</b>					
3.1 Is the applicant required to sign a declaration under penalty of perjury that all information is true and correct?	37.11 (b)	√	2		
3.2 Does the state retain this declaration?	37.11 (b)	√	2		
3.3 Is the applicant required to sign a new declaration whenever new information is presented?	37.11 (b)			√	
<b>4 ESTABLISHING IDENTITY</b>					
4.1 Is the applicant for a Real ID required to present at least one of the following documents in order to establish identity?	37.11 (c)	√	3		The same document may be used to establish both the name and the DOB, providing it gives both items. In this case, it need only be shown and verified once.
4.1.1 Valid, unexpired US Passport	37.11 (c) (1) (i)	√	3		
4.1.2 Certified copy of birth certificate filed with State Office of Vital Records or equivalent agency?	37.11 (c) (1) (ii)	√	3		
4.1.3 Consular Report of Birth Abroad (US DOS Form FS-240, DS-1350, or FS-545)	37.11 (c) (1) (iii)	√	3		
4.1.4 Valid, unexpired Permanent Resident Card ((Form I-551) issued by DHS or INS	37.11 (c) (1) (iv)	√	3		
4.1.5 Unexpired employment authorization document issued by DHS (Form I-766 or I-688B)	37.11 (c) (1) (v)	√	3		

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Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
4.1.6 Unexpired foreign passport with a valid, unexpired US visa affixed accompanied by the approved I-94 form documenting the applicant's most recent entrance into the US	37.11 (c) (1) (vi)	√	3		
4.1.7 Certificate of Naturalization issued by DHS (Form N-550 or N-570)	37.11 (c) (1) (vii)	√	3		Forms N-550 and N-570 issued by predecessor organizations are acceptable.
4.1.8 Certificate of Citizenship Form N-560 or N-561 issued by DHS	37.11 (c) (1) (viii)	√	3		Forms N-560 and N-561 issued by predecessor organizations are acceptable.
4.1.9 Real ID DL/ID	37.11 (c) (1) (ix)	√	3		
4.1.10 Other documents designated by DHS by publication in the Federal Register	37.11 (c) (1) (x)	√	3		Need to keep a watch on Federal Register for additions.
4.2 If the State allows the applicant to use a name other than the name on a source document, does the State do the following?	37.11 (c) (2)	√	3		
4.2.1 Require presentation of documents issued by a court or other governmental entity as determined by the State?	37.11 (c) (2)	√	3		
4.2.2 Maintain copies of the documents submitted pursuant to Sec. 37.31.	37.11 (c) (2)		3	√	Under Material Compliance, the State must capture and store name, DOB and sufficient document information to identify the source document used for the name change justification. Name change documents must be copied or imaged under Full Compliance.
4.2.3 Maintain a record of both the recorded name and the name as it appears on the source documents?	37.11 (c) (2)	√	3		See above.

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Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
4.3 Is the applicant for a Real ID required to present at least one of the following documents listed in Sec 37.11 (c) in order to establish date of birth?	37.11 (d)	√	4		The same document may be used to establish both the name and the DOB, providing it gives both items. In this case, it need only be shown and verified once.
4.3.1 Valid, unexpired US Passport	37.11 (c) (1) (i)	√	4		
4.3.2 Certified copy of birth certificate filed with State Office of Vital Records or equivalent agency?	37.11 (c) (1) (ii)	√	4		
4.3.3 Consular Report of Birth Abroad (US DOS Form FS-240, DS-1350, or FS-545)	37.11 (c) (1) (iii)	√	4		
4.3.4 Valid, unexpired Permanent Resident Card ((Form I-551) issued by DHS or INS	37.11 (c) (1) (iv)	√	4		
4.3.5 Unexpired employment authorization document issued by DHS (Form I-766 or I-688B)	37.11 (c) (1) (v)	√	4		
4.3.6 Unexpired foreign passport with a valid, unexpired US visa affixed accompanied by the approved I-94 form documenting the applicant's most recent entrance into the US	37.11 (c) (1) (vi)	√	4		
4.3.7 Certificate of Naturalization issued by DHS (Form N-550 or N-570)	37.11 (c) (1) (vii)	√	4		Forms N-550 and N-570 issued by predecessor organizations are acceptable.
4.3.8 Certificate of Citizenship Form N-560 or N-561 issued by DHS	37.11 (c) (1) (viii)	√	4		Forms N-560 and N-561 issued by predecessor organizations are acceptable.
4.3.9 Real ID DL/ID	37.11 (c) (1) (ix)	√	4		
4.3.10 Other documents designated by DHS by publication in the Federal Register	37.11 (c) (1) (x)	√	4		Need to keep a watch on Federal Register for additions.

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Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
4.4 Is the applicant for a Real ID required to present at least one of the following documents in order to establish SSN?	37.11 (e) (1)	√	4		
4.4.1 Social Security account number card	37.11 (e) (1)	√	4		
4.4.2 W-2	37.11 (e) (1) (i)	√	4		
4.4.3 SSA-1099 form	37.11 (e) (1) (ii)	√	4		
4.4.4 Non-SSA-1099 form	37.11 (e) (1) (iii)	√	4		
4.4.5 Pay stub with applicant's name and SSN	37.11 (e) (1) (iv)	√	4		
4.5 Is the SSN verified with SSA or by another method approved by DHS and a Real ID not issued until the information verifies?	37.11 (e) (2)	√	4		
4.6 If the applicant's identity is established using a foreign passport with a US visa and an approved I-94 form, does the State require the applicant to either provide an SSN or to demonstrate non-work authorized status?	37.11 (e) (3)	√	4		
4.7 Is the applicant for a Real ID required to present at least two documents of the State's choice with the individuals name and address in order to establish address?	37.11 (f)	√	4		
4.8 Is the applicant for a Real ID required to present a street address unless the individual meets one of the exceptions established at Sec. 37.17 (f)?	37.11 (f)	√	4		



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Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
4.9 Unless the applicant's identity was established by the presentation and verification of one of the documents described in Sec. 37.11 (c)(1)(i), (c)(1)(ii), (c)(1)(iii), (c)(1)(iv), (c)(1)(vii) or (c)(1)(viii), was the applicant required to establish legal presence by presentation and verification of documentation issued by DHS or other Federal agencies demonstrating lawful status as determined by USCIS.	37.11 (g) 37.13	√	4, 7		
4.10 If the state has an exceptions process for persons, who for reasons beyond their control are unable to present all necessary documents, is the exceptions process to prove lawful status only used for US citizens?	37.11 (h)	√	5		
4.11 If the state has an exceptions process for persons, who for reasons beyond their control are unable to present all necessary documents, are reasonable efforts made to establish the authenticity of the alternate documents each time they are presented and does the applicant's record indicate an exception process was used?	37.11 (h) (1)	√	5		
4.12 If the state has an exceptions process for persons, who for reasons beyond their control are unable to present all necessary documents, are copies or images of the alternative documents retained pursuant to Sec. 37.31?	37.11 (h) (2)		5	√	Under Material Compliance, States should capture information (name, DOB, document identifiers) from source documents presented for (1) name change and (2) applications processed using exceptions process.
4.13 Has the State conducted a review of its exception process and submitted a report of that review and a copy of the exceptions process as part of its certification package?	37.11 (h) (3)		5	√	Submission of the exception process is not required for Material Compliance.

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Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
4.14 Does the State take sufficient steps to safeguard the identities of individuals who have been issued a Real ID in support of Federal, State, or local law enforcement programs?	37.11 (h) (3) (i)	√	5		
4.15 Does the State insure that Real ID cards issued in support of Federal, State, or local law enforcement programs are indistinguishable from other Real ID cards issued by the State?	37.11 (h) (3) (i)	√	5		
<b>5 DOCUMENT VERIFICATION REQUIREMENTS</b>					
5.1 Does the State make a reasonable effort to ensure that the applicant does not already have another driver license or identification card issued by the State under a different identity?	37.13 (a)	√	6		
5.2 Before issuing s driver license, does the State check with all other States to determine if the applicant holds a Real ID card in another State?	37.13 (a) 37.29			√	
5.3 Does the state use systems for electronic verification of documents and identity or other methods approved by DHS to verify documents with the issuer of the document?	37.13 (b)			√	
5.4 Does the State not issue a Real ID until it has verified any submitted documents issued by DHS through SAVE or an alternative method approved by DHS ( if two DHS documents are submitted, only one needs to be verified providing that one verifies lawful status)?	37.13 (b) (1)	√	7		

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Checklist Item		Source	Material Compliance	Benchmark Number	Full Compliance	Comments
5.5	In the event that SAVE reports a non-match for a document issued by DHS, is the applicant referred to the USCIS for resolution?	37.13 (b) (1)	√	7		
5.6	Does the State not issue a Real ID until it has verified the SSN with SSA or an alternative method approved by DHS unless the State has followed an established exceptions process?	37.13 (b) (2)	√	8		
5.7	Does the State not issue a Real ID if a birth certificate submitted by the applicant does not verify with EVVE, or if the document does not appear to be authentic upon inspection, unless the State has followed an established exceptions process?	37.13 (b) (3)			√	
5.8	If a birth certificate fails to verify with EVVE or does not appear authentic upon inspection, and the use of an exception process is not warranted, then is the applicant referred to the issuing authority for resolution?	37.13 (b) (3)			√	
5.9	If the applicant submits a document issued by DOS, is that document verified with the DOS or through methods approved by DHS?	37.13 (b) (4)			√	
5.10	If the applicant submits a Real ID card, is that Real ID card verified with the State of issuance?	37.13 (b) (5)			√	
<b>6 PHYSICAL SECURITY FEATURES FOR DL/ID CARDS</b>						
6.1	Are the security features incorporated in the design of the card not reproducible using technologies that are commonly used or available to the public?	37.15 (a) 1			√	

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6.2	Does the card solution contain a well designed, balanced set of features that when effectively combined provide multiple layers of security?	37.15 (a) 2	√	9		
6.3	Have the documents security features been described in the state's security plan pursuant to Sec. 37.41?	37.15 (a) 2	√	9		
6.4	Does the card contain at least three levels of integrated security features that protect against all of the following threats?	37.15 (b)	√	9		
6.4.1	Counterfeiting, simulating, or reproducing a genuine document	37.15 (b) (1)	√	9		
6.4.2	Altering, deleting, modifying, masking, or tampering with data concerning the original or lawful card holder	37.15 (b) (2)	√	9		
6.4.3	Substituting or altering the original or lawful card holder's photograph and/or signature by any means	37.15 (b) (3)	√	9		
6.4.4	Creating a fraudulent document using components from legitimate driver's licenses or identification cards	37.15 (b) (4)	√	9		
6.5	Does the design of the card employ security features to detect false cards at each of the following levels of inspection?	37.15 (c)	√	9		
6.6	Level 1 - cursory examination without tools or aids	37.15 (b) (1)	√	9		
6.7	Level 2 - examination by trained inspectors with simple equipment	37.15 (b) (2)	√	9		
6.8	Level 3 - examination by forensic experts	37.15 (b) (3)	√	9		

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Checklist Item		Source	Material Compliance	Benchmark Number	Full Compliance	Comments
6.9	Has the State conducted a review of the ability of its DL/ID card designs to resist compromise and document fraud activity attempts?	37.15 (d)			√	
6.10	Has the state prepared a report of its document security review and submitted to DHS with its certification?	37.15 (d)			√	
6.11	Does the State handle the review of the ability of its DL/ID card designs in accordance with Sensitive Security Information (SSI) DHS regulations published at 49 CFR Part 1520?	37.15 (d)			√	After reviewing the report, DHS may require a lab test.
<b>7 REQUIREMENTS FOR SURFACE OF DL/ID CARDS</b>						
7.1	Does the front of the card contain all of the following data elements?	37.17				
7.1.1	Full legal name	37.17 (a)	√	10		
7.1.2	Date of birth	37.17 (b)	√	10		
7.1.3	Gender (as determined by state)	37.17 (c)	√	10		
7.1.4	Unique identification number	37.17 (d)	√	10		
7.1.5	Full facial photograph	37.17 (e)	√	10		A Real ID compliant card must have a photograph.
7.1.6	Address of principal residence (unless applicant meets criteria for an exception)	37.17 (f)	√	10		
7.1.7	Signature (unless the applicant is unable to sign)	37.17 (g)	√	10		
7.1.8	Physical security features	37.17 (h)	√	10		

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Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
7.1.9 Date of transaction	37.17 (j)	√	10		
7.1.10 Expiration date	37.17 (k)	√	10		
7.1.11 State or territory of issuance	37.17 (l)	√	10		
7.2 Is the machine-readable technology pursuant to Sec 37.19 printed on the back of the card?	37.17 (h)			√	
7.3 Is the name on the face of the card the same as the name of the source document presented except when an alternative is permitted under Sec. 37.11(c) (2)?	37.17 (a)	√	10		
7.4 If the individual has only one name, is that name entered in the last name of family name field and the first and middle name fields left blank?	37.17 (a)	√	10		
7.5 Is the use of placeholders such as NFN, NMN, and NA in name fields prohibited?	37.17 (a)	√	10		
7.6 Does the name field contain at least 39 characters?	37.17 (m)	√	10		
7.7 If the name must be truncated, does the truncation follow the standard established by ICAO 9303, "Machine Readable Travel Documents," Volume 1, Part 1, Sixth Edition, 2006?	37.17 (m)			√	
7.8 Is the unique DL/ID card number a number other than the SSN and unique across all DL/ID cards issued by the state?	37.17 (d)	√	10		The SSN should not appear on the card.
7.9 Was the digital photograph taken pursuant to ISO/IEC 19794-5:2005(E) Information technology-Biometric Data Interchange Formats-Part 5: Face Image Data?	37.17 (e) (1)	√	10		

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7.10 Do the photographs taken for DL/ID cards meet the following criteria?	37.17 (e) (1)	√	10		
7.10.1 Lighting is evenly distributed over the face	37.17 (e) (1) (i)	√	10		
7.10.2 The face from crown to chin and from ear to ear is clearly visible and free of shadows	37.17 (e) (1) (ii)	√	10		
7.10.3 Veils or scarves are not permitted to obscure facial features or create shadows	37.17 (e) (1) (iii)	√	10		
7.10.4 Eyewear does not obstruct the iris or pupil of the eye	37.17 (e) (1) (iii)	√	10		
7.10.5 The applicant is not permitted to take any action to obstruct facial features?	37.17 (e) (1) (iii)	√	10		
7.10.6 There are no dark shadows in the eye sockets and the iris and pupils are clearly visible	37.17 (e) (1) (iv)	√	10		
7.10.7 There are no "hot spots" (areas of bright light reflected from the face)	37.17 (e) (1) (v)	√	10		
7.11 If an alternative address is printed on the card rather than the actual address of principal residence, does the applicant meet one of the following criteria?	37.17 (f)	√	10		
7.11.1 A State law, regulation, or DMV procedure permits the use of an alternate address	37.17 (f) (1)	√	10		
7.11.2 The applicant is enrolled in a State address confidentiality program	37.17 (f) (2) (i)	√	10		
7.11.3 The applicant's address is entitled to be suppressed under State or Federal law or suppressed by a court order	37.17 (f) (2) (ii)	√	10		

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Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
7.11.4 The applicant is protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996	37.17 (f) (2) (iii)	√	10		
7.12 If a number and street name are not assigned for US mail delivery, is the address shown in a convention used by the US Postal Service?	37.17 (f) (3)	√	10		
7.13 Does the printed format of the signature meet the requirements of the 2005 AAMVA Driver's License/Identification Card Specifications; Annex A, section A.7.7.2 for size, scaling, cropping, color, borders, and resolution?	37.17 (g)	√	10		
7.14 Does the State have an established procedure for an applicant unable to sign his or her name?	37.17 (g)	√	10		
7.15 Is the name, date of birth, gender, card number, issue date, expiration date, and address printed in Latin alpha-number characters?	37.17 (m)	√	10		b
7.16 Does the card bear a DHS approved marking that indicates it meets the requirements of a Materially Compliant Real ID card?	37.17 (n)	√	10		DHS will issue guidance on this in a few weeks. The marking will be basically the same for all Real ID cards, but there will be a slight difference between "materially compliant" and "fully compliant" versions. The Material Compliance Checklist requires only a commitment to use the marking initially. DHS will issue guidance on when it must actually be on the card.
7.17 Does the card bear a DHS approved marking that indicates it meets the requirements of a Fully Compliant Real ID card?	37.17 (n)			√	DHS will issue guidance on this in a few weeks. The marking will be basically the same for all Real ID cards, but there will be a slight difference between "materially compliant" and "fully compliant" versions.



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Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
7.18 If the State issues temporary Real ID cards, does the face of the card clearly indicate that the card is a temporary card?	37.21 (e)	√	18		Temporary cards are cards issued to individual with temporary lawful status and not "receipts" or "interim (30-60 days) licenses.
<b>8 MACHINE READABLE ZONE (MRZ)</b>					
8.1 Does the card contain a PDF-417 bar code?	37.19			√	
8.2 Does the bar code contain, at a minimum, the following fields?	37.19			√	
8.2.1 Expiration date	37.19 (a)			√	
8.2.2 Full legal name or other name permitted by the rule	37.19 (b) 37.11 (c) (2) 37.11 (h)			√	The AAMVA Card Design Spec does not match what REAL ID requires for the full legal name. (First, Middle, Last)
8.2.3 Date of transaction	37.19 (c)			√	According to DHS, "transaction date" and "issue date" are the same thing.
8.2.4 Date of birth	37.19 (d)			√	
8.2.5 Gender	37.19 (e)			√	
8.2.6 Address as listed on the card	37.19 (f) 37.17 (f)			√	
8.2.7 Unique driver's license or identification card number	37.19 (g)			√	
8.2.8 Card design revision date, indicating the most recent change or modification to the visible format of the driver's license or identification card	37.19 (h)			√	

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8.2.9 Inventory control number for the physical document	37.19 (i)			√	This requires the use of serialized card stock in order for there to be a number to place in the MRZ. The inventory control number may be printed on the card stock using characters or a 1-D bar code.
8.2.10 State or territory of issuance	37.19 (j)			√	The IIN code will suffice for this.
8.3 If the State issues temporary DL/ID cards, does the bar code contain a field that clearly indicates a card is a temporary DL/ID card?	37.21 (e)			√	
<b>9 TEMPORARY REAL ID CARDS</b>					
9.1 If an applicant for a Real ID has temporary lawful status in the US, does the State only issue that applicant a temporary Real ID card?	37.21	√	12		A State could choose to issue only non-compliant cards to individuals with temporary lawful status. If a State does issue a REAL ID compliant card to an individual with temporary lawful status, it must be marked as "temporary" and the expiration date tied to the end of the lawful status or, if there is no end date, be limited to one year.
9.2 If the State issues temporary Real ID cards, does the State require valid documentary evidence that the person has lawful status in the United States, as determined through SAVE?	37.21 (a)	√	12		
9.3 If the State issues temporary Real ID cards, does the card expire on a date that is no later than the end of the applicant's authorized stay in the US, or if there is no expiration date, one year from the date of issuance of the DL/ID card?	37.21 (b) (1)	√	12		A visa does not determine lawful status. End of lawful status (if any) is determined by DHS and verified through SAVE.

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9.4 If the State issues temporary Real ID cards, does the DL/ID card expire no later than the end of the State's normal issuance cycle?	37.21 (b) (2)	√	12		
9.5 If the State issues temporary Real ID cards, does it renew a temporary Real ID card only after checking with SAVE to verify that the status by which the applicant originally qualified is still in effect or that the applicant continues to qualify for lawful status.	37.21 (c)	√	12		
<b>10 REISSUED REAL ID CARDS</b>					
10.1 When processing reissuance of a Real ID card, does the State have an effective procedure to confirm or verify the identity of the applicant that insures the card is reissued to the same person to whom the card was originally issued?	37.23 (a)	√	6		For remote reissuance this requirement mandates a secure procedure for authentication of applicants.
10.2 If State procedures permit non-in-person (remote) reissuance, are the applicant's SSN and lawful status reverified pursuant to Sec. 37.13 prior to reissuing the card except in the case of a duplicate as defined by the rule?	37.23 (b)			√	Lawful status is re-verified only for non-citizens.
10.3 If State procedures permit non-in-person (remote) reissuance, does it prohibit a remote reissuance when there has been a material change in any personally identifiable information (e.g., name, DOB, or SSN)?	37.23 (c)	√	6		
10.4 If there is a material change in any of the personally identifiable information, is the applicant required to present an original source document and that information verified as required by the rule?	37.23 (c) 37.11 37.13	√	6		Source document here means document providing evidence of change of personally identifiable information.

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Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
<b>11 RENEWAL OF REAL ID CARDS</b>					
11.1 Does the State require Real ID card holders to renew their cards in person no less frequently than every sixteen years?	37.25 (a)			√	
11.2 Does the State DMV take a photograph of each Real ID applicant no less frequently than every sixteen years	37.25 (a) (1)			√	
11.3 Does the State reverify the Real ID renewal applicant's SSN and lawful status using a DHS approved means for each renewal?	37.25 (a) (2) 37.25 (b) (1)			√	
11.4 When processing a renewal of a Real ID, does the State electronically verify any information that it was not able to verify at a previous issuance if the system or means now exists to do so?	37.25 (a) (2)			√	
11.5 Does the State require the holder of a temporary Real ID card to present evidence of continued legal status via SAVE or other method approved by DHS?	37.25 (a) (3)			√	
11.6 Does the State prohibit remote renewals of Real ID cards if there is a material change in any personally identifiable information (e.g., name, DOB, or SSN)?	37.25 (b) (1)	√	6		Individuals must document changes in personally identifiable information in person.
11.7 Does the State require the applicant for the renewal of Real ID to present an original source document when there is a change in personally identifiable information as provided in Subpart B of the rule and has the State verified the document using methods approved by DHS?	37.25 (b) (2)	√	6		Source document here means document providing evidence of change of personally identifiable information.

## Real ID Final Rule Inspection Checklist

Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
<b>12 RENEWAL OF LEGACY CARDS</b>					
12.1 Once the State enters the period of material compliance, does it limit issuance of "legacy" DL/ID cards to the reissue or renewal of cards that were originally issued prior to the period of material compliance? ("Legacy" cards are those issued pursuant to State practices in place prior to the period of material compliance.)	37.27	√			There is no benchmark for this, but the item is only relevant to the issue of material compliance.
<b>13 PROHIBITION AGAINST MORE THAN ONE REAL ID CARD OR MORE THAN ONE DRIVER LICENSE</b>					
13.1 Does the State limit each individual to only one Real ID card?	37.29 (a)	√	6		While not a specific benchmark, this is a "reasonable effort" to ensure that an individual does not hold multiple identities.
13.2 Prior to issuing a Real ID card, does the State check with all other States to determine if the applicant currently holds a driver license or Real ID identification card in another State?	37.29 (b) (1)			√	A Real ID driver license or identification card holder cannot hold any <u>driver license</u> issued by a State other than the one that issued the Real ID card. However, an individual may hold a Real ID driver license issued by one State and a non-Real ID identification card issued by a different State. Also, an individual may hold both a Real ID and a non-Real ID card issued by the same State, providing State law permits this. For example, an individual could hold a Real ID identification card and a non-Real ID driver license from the same State.

## Real ID Final Rule Inspection Checklist

Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
13.3 If the State determines that the applicant for a Real ID driver license holds a driver license or a Real ID identification card issued by a prior State, does the State confirm that the applicant has terminated or is terminating that prior State's driver license or Real ID identification card pursuant to State law, regulation, or procedure?	37.29 (b) (2)			√	
<b>14 SOURCE DOCUMENT RETENTION</b>					
14.1 Does the State retain copies of the declaration and all source documents presented in support of a Real ID application, including all documents used to establish the name?	37.31 (a) 37.11			√	
14.2 If the State chooses to keep paper copies of the source documents, does it retain those copies for a minimum of seven years?	37.31 (a) (1)			√	
14.3 If the State chooses to keep microfiche copies of the source documents, does it retain those copies for a minimum of ten years?	37.31 (a) (2)			√	
14.4 If the State chooses to keep digital image copies of the source documents, does it retain those copies for a minimum of ten years?	37.31 (a) (3)			√	
14.5 Does the State retain the declaration completed with the Real ID application consistent with State document retention requirements and retention periods?	37.31 (a) (4)			√	

## Real ID Final Rule Inspection Checklist

Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
14.6 If the State uses digital imaging to retain source documents, are those digital images stored in a compressed Tagged Image Format (TIF) or a standard that is interoperable with the TIF standard?	37.31 (b) (2)			√	
14.7 Are all images retrievable by the DMV if properly requested by law enforcement?	37.31 (b) (3)			√	
14.8 If that State has a law that requires it, does the State record and retain the applicant's name, date of birth, certificate numbers, date filed, and issuing agency in lieu of an image or copy of the birth certificate when requested by the applicant?	37.31 (c)			√	This exception applies only to States that have applicable laws.
<b>15 DMV DATABASES</b>					
15.1 Does the State maintain a State motor vehicle database that contains, at a minimum the following information?	37.33 (a)			√	
15.1.1 All data fields printed on the card, the individual serial number of the card, and the SSN.	37.33 (a) (1)			√	
15.1.2 A record of the full legal name and any other name recorded as a result of establishing the use of a name not on one of the primary source documents. These must be the full name and not truncated.	37.33 (a) (2)			√	
15.1.3 All additional data fields recorded in the machine readable zone but not printed on the card.	37.33 (a) (3)			√	A State need not store in the individual record a field that is the same on every card issued, such as the state of issuance or IIN.

# Real ID Final Rule Inspection Checklist

Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
15.1.4 Driver history, including motor vehicle violations, suspensions, and points	37.33 (a) (4)			√	
<b>16 SECURITY PLAN</b>					
16.1 Does the State have a documented security plan or plans that addresses physical security, security of personally identifiable information, document and physical security features of the card, access control, periodic training requirements, emergency/incident response, internal audit controls, and the ability to protect the confidentiality of Real ID cards issued in support of Federal, State, and local criminal justice agencies?	37.41 (a)	√	13		This does not have to be a single plan, but all topics need to be addressed. For Material Compliance, DHS will audit procedures and practices.
16.2 Was the security plan submitted as part of the Real ID certification under Sec. 37.55?	37.41 (a)			√	
16.3 Does the State's security plan address the physical security for facilities used to produce Real ID card and storage areas for card stock and other materials used in card production	37.41 (b) (1) 37.43 (b)	√	13		For Material Compliance, DHS will audit procedures and practices included in Sec. 37.41.
16.4 Does the State's security plan address the security of personally identifiable information maintained at DMV locations involved in the enrollment, issuance, manufacture, and/or production of Real ID cards, including at least the following?	37.41 (b) (2) 37.33 (b)	√	14	√	For Material Compliance, DHS will audit procedures and practices included in Sec. 37.41.
16.4.1 Does the State have safeguards to prevent unauthorized access, use or dissemination of applicant information and images of source documents collected and retained as part of its Real ID program?	37.41 (b) (2) (i)	√	14		



## Real ID Final Rule Inspection Checklist

Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
16.4.2 Does the State have a privacy policy regarding the personally identifiable information collected and maintained as part of its Real ID program?	37.41 (b) (2) (ii)	√	14		
16.4.3 Does any release or use of personally identifiable information collected and maintained as part of the State's Real ID program meet comply with the requirements of the Driver's Privacy Protection Act?	37.41 (b) (2) (iii)	√	14		
16.5 Does the State's security plan include a description of the document and physical security features for the Real ID card?	37.41 (b) (3)	√	13		
16.6 If the state uses biometrics in its issuance process, does the State's security plan include a description of how the biometrics are used and indicate the biometric technical standards, if any, that are used?	37.41 (b) (3)			√	
16.7 Does the State's security plan include a description of the access control procedures, including the following items?	37.41 (b) (4)	√	13		
16.7.1 Employee identification and credentialing, including access badges	37.41 (b) (4) (i)	√	13		
16.7.2 Employee background checks	37.41 (b) (4) (ii) 37.45	√	13		
16.7.3 Access control systems	37.41 (b) (4) (iii)	√	13		In the rule the phrase "controlled access systems" is used, but this is what was meant. DHS is interested in "access control systems" that control access to sensitive areas.

## Real ID Final Rule Inspection Checklist

Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
16.8 Has the State established a requirement for all covered employees handling source documents or engaged in the issuance of Real ID cards to receive fraudulent document recognition training using the AAMVA FDR program or other DHS approved method?	37.41 (b) (5) (ii)	√	15		Based on conversations with DHS, the requirement needs to be established at material compliance and all covered employees must be trained by full compliance.
16.9 Has the State provided to all covered employees handling source documents or engaged in the issuance of Real ID cards fraudulent document recognition training using the AAMVA FDR program or other DHS approved method?	37.41 (b) (5) (ii)			√	Based on conversations with DHS, the requirement needs to be established at material compliance and all covered employees must be trained by full compliance.
16.10 Has the State established a requirement for all covered employees handling source documents or engaged in the issuance of Real ID cards to receive security awareness training that includes threat identification and the handling of Sensitive Security Information?	37.41 (b) (5) (i)	√	15		Based on conversations with DHS, the requirement needs to be established at material compliance and all covered employees must be trained by full compliance.
16.11 Has the State provided to all covered employees handling source documents or engaged in the issuance of Real ID cards fraudulent document security awareness training that includes threat identification and the handling of Sensitive Security Information?	37.41 (b) (5) (i)			√	Based on conversations with DHS, the requirement needs to be established at material compliance and all covered employees must be trained by full compliance.
16.12 Does the State's security plan include an emergency/incident response plan?	37.41 (b) (6)	√	13		
16.13 Does the State's security plan describe the State's internal audit controls?	37.41 (b) (7)	√	13		

## Real ID Final Rule Inspection Checklist

Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
16.14 Does the State's security plan include an affirmation that the State possesses the authority and means to produce, revise, expunge, and protect the confidentiality of Real ID cards issued in support of Federal, State, and local criminal justice agencies or similar programs? (The plan should not describe how these programs function, just affirm that they can be supported.)	37.41 (b) (8)	√	13		
16.15 Does the State make every effort to prevent unauthorized disclosure about procedures for issuing Real ID cards in support of special law enforcement programs or any substantive information related to such cards?	37.41 (b) (8)	√	13		
16.16 Does the State notify the appropriate law enforcement official and the United States Attorney of any action seeking information that could compromise Federal law enforcement interests?	37.41 (b) (8)	√	13		
16.17 Is the State's security plan treated as Sensitive Security Information and handled and protected in accordance with 49 CFR Part 1520?	37.41 (c)			√	
<b>17 PHYSICAL SECURITY OF DMV FACILITIES</b>					
17.1 Does the State ensure the physical security of facilities where Real ID cards are produced?	37.43 (a)	√	13		
17.2 Does the State ensure the physical security of components from which Real ID cards are produced or manufactured?	37.43 (a)	√	13		

## Real ID Final Rule Inspection Checklist

Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
<b>18 BACKGROUND CHECK FOR COVERED EMPLOYEES</b>					
18.1 Has the State established a process to perform background checks on persons (whether state employees or contractors) who are involved in the manufacture or production of Real ID cards, or who have the ability to affect the identity information that appears on the Real ID card (covered employees)?	37.45 (a)	√	16		According to conversations with DHS, the program must be in place by material compliance and all covered employees checked by full compliance.
18.2 Has the State performed background checks on persons (whether state employees or contractors) who are involved in the manufacture or production of Real ID cards, or who have the ability to affect the identity information that appears on the Real ID card (covered employees)?	37.45 (a)			√	According to sec. 37.45 (d), background checks substantially similar to those required by the final rule conducted on existing employees on or after May 11, 2006 need not be redone.
18.3 Does the background check must include, at a minimum, the validation of references from prior employment, a name-based and fingerprint-based criminal history records check, and employment eligibility verification otherwise required by law?	37.45 (a)	√	16		For Material Compliance, program in place but not all checks completed.
18.4 Does the State notify any covered employee that he or she must undergo a background check and the contents of that check?	37.45 (b)	√	16		For Material Compliance, program in place but not all checks completed.

## Real ID Final Rule Inspection Checklist

Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
18.5 Did the State must conduct a name-based and fingerprint-based criminal history records check (CHRC) using, at a minimum, the FBI's NCIC and IAFIS database and State repository records on each covered employee and determine if the covered employee has been convicted of any disqualifying crimes as defined by the Rule?	37.45 (b) (1)	√	16		For Material Compliance, program in place but not all checks completed.
18.6 Does the State permanently disqualify an employee from working in a covered position if that employee was convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction, of any of the felonies set forth in 49 CFR 1572.103(a)?	37.45 (b) (1) (i) 37.45 (b) (4)	√	16		For Material Compliance, program in place but not all checks completed.
18.7 Does the State disqualify on an interim basis an employee from serving in a covered position if that employee was either convicted of any of the criminal offenses referenced in 49 CFR 1572.103(b) in a civilian or military jurisdiction, or admits having committed acts which constitute the essential elements of any of those criminal offenses within the seven years preceding the date of application, or the applicant was released from incarceration for the crime within the five years preceding the date of application?	37.45 (b) (1) (ii) 37.45 (b) (4)	√	16		For Material Compliance, program in place but not all checks completed.
18.8 If the covered employee or covered employee is wanted or under indictment in any civilian or military jurisdiction for a felony set forth in 49 CFR 1572.103(a) or 49 CFR 1572.103(b), was he or she disqualified until the want or warrant is released?	37.45 (b) (1) (iii)	√	16		For Material Compliance, program in place but not all checks completed.

## Real ID Final Rule Inspection Checklist

Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
18.9 If a fingerprint-based check discloses an arrest for a felony set forth in 49 CFR 1572.103(a) or 49 CFR 1572.103(b) without indicating a disposition, does the State determine the disposition of the arrest?	37.45 (b) (1) (iv)	√	16		For Material Compliance, program in place but not all checks completed.
18.10 If the state has a program to waive the requirements for disqualifying an employee, is it limited to situations where the employee has been arrested but no final disposition of the matter has been determined?	37.45 (b) (1) (v)	√	16		For Material Compliance, program in place but not all checks completed.
18.11 Does the State ensure that it has determined the employment eligibility status of each covered employee as required by sec. 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) and its implementing regulations (8 CFR part 274a)?	37.45 (b) (2) 37.45 (b) (4)	√	16		For Material Compliance, program in place but not all checks completed.
18.12 Has the State made reference checks with previous employers for any individual in a covered position that was not employed by the DMV for at least two consecutive years since May 11, 2006?	37.45 (b) (3)	√	16		For Material Compliance, program in place but not all checks completed.
18.13 If an employee is disqualified as the result of a criminal history records check, was the employee informed and given an opportunity to appeal to the applicable State or Federal government?	37.45 (b) (4)	√	16		For Material Compliance, program in place but not all checks completed.

# Real ID Final Rule Inspection Checklist

Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
<b>19 COMPLIANCE - GENERAL REQUIREMENTS</b>					
19.1 Did the State meet the standards of subparts A through D of the final rule or have a Real ID program that DHS determined to be comparable to the standards of subparts A through D of the final rule on or before May 11, 2011?	37.51 (a)			√	
19.2 Did the State file its certification documentation at least 90 days prior to the effective date of its full compliance?	37.51 (a)			√	Last date to file is 2/10/2011
19.3 Did the State meet all the requirements of the Material Compliance Checklist found at <a href="http://www.dhs.gov">http://www.dhs.gov</a> to be in material compliance by January 1, 2010?	37.51 (b)	√	17		This grants an extension to 5/10/2011 for the State to achieve material compliance.
19.4 Did the State submit its Material Compliance Checklist to DHS by October 11, 2009?	37.51 (b) 37.63 (b)	√	17		
<b>20 STATE CERTIFICATION DOCUMENTATION</b>					
20.1 Did the State provide DHS with the following documentation to certify that it is meeting all the requirements for full compliance?	37.55 (a)			√	
20.1.1 Certification statement from highest executive official in the State that oversees driver licensing	37.55 (a) (1)			√	

## Real ID Final Rule Inspection Checklist

Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
20.1.2 A letter from the Attorney General of the State confirming the State has legal authority to impose requirements necessary to meet the standards established by the rule.	37.55 (a) (2)			√	
20.1.3 A description of the State's exception processes for applicants who are unable to present the required source documents and for covered employees where the disposition of an arrest cannot be determined	37.55 (a) (3) 37.11 (h) 37.45 (b) (1) (v)			√	
20.1.4 The State's security plan	37.55 (a) (4)			√	
20.2 Has the State recertified compliance every three years on a rolling basis as determined by DHS?	37.55 (b)				
<b>21 DHS REVIEWS OF STATE COMPLIANCE</b>					
21.1 Did the State cooperate with DHS's review of the State's compliance?	37.59 (a)	√	17	√	Applies to the review of both the Material Compliance Checklist and the Compliance Certification.
21.2 Did the State provide any reasonable information pertinent to determining compliance with this part as requested by DHS?	37.59 (a) (1)	√	17	√	Applies to the review of both the Material Compliance Checklist and the Compliance Certification.
21.3 Did the State permit DHS to conduct inspections of any and all sites associated with the enrollment of applicants and the production, manufacture, personalization and issuance of driver's licenses or identification cards?	37.59 (a) (2)	√	17	√	Applies to the review of both the Material Compliance Checklist and the Compliance Certification.



# Real ID Final Rule Inspection Checklist

Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
21.4 Did the State allow DHS to conduct interviews of the State's employees and contractors who are involved in the application and verification process, or the manufacture and production of driver's licenses or identification cards?	37.59 (a) (3)	√	17	√	Applies to the review of both the Material Compliance Checklist and the Compliance Certification.
21.5 If the State was notified that DHS determined that the State did not meet the benchmarks in the Material Compliance Checklist, did it reply to DHS within 30 days?	37.59 (c)	√	17		
21.6 If the State was notified that DHS determined that the State did not meet the full requirements of subparts A through E, did it reply to DHS within 30 days?	37.59 (c)			√	
<b>22 REQUESTS FOR EXTENSION OF DEADLINES</b>					
22.1 Did the State file a request with the Secretary of DHS for an extension by March 31, 2008?	37.63 (a)				This is required in advance of any material compliance benchmarks.
22.2 Did the State file for a subsequent extension by submitting a Material Compliance Checklist to DHS by October 11, 2009??	37.63 (b)	√	17		

# Real ID Final Rule Inspection Checklist

Checklist Item	Source	Material Compliance	Benchmark Number	Full Compliance	Comments
<b>23 “NOT FOR FEDERAL USE” MARKING OF CARDS ISSUED UNDER SEC. 202 (D) (11) OF THE REAL ID ACT</b>					
23.1 Has the State committed to marking the face of any DL/ID card that does not meet the requirements of Real ID (except as authorized by sec. 37.27) requirements of Real ID to clearly indicate the card is not acceptable for official (Federal) purposes	37.71 (b) (1)	√	18		DHS reserves the right to approve the designations and designs during certification process. DHS may provide more specific guidance on the phrasing.
23.2 Except as authorized by sec. 37.27, does any DL/ID card issued by the State that does not meet the requirements of Real ID clearly state on the face of the card and in the machine readable zone that it is not acceptable for official (Federal) purposes	37.71 (b) (1)			√	DHS reserves the right to approve the designations and designs during certification process. DHS may provide more specific guidance on the phrasing. AAMVA specs do not provide guidance for putting this in the bar code.
23.3 Except as authorized by sec. 37.27, does any DL/ID card issued by the State that does not meet the requirements of Real ID have a design or color indicator that clearly distinguishes it from the Real ID cards issued by the State?	37.71 (b) (2)			√	DHS approved negative and positive security markings will meet this requirement.