

Nikki R. Haley  
Governor



Kevin A. Shwedo  
Executive Director

## *State of South Carolina*

### *Department of Motor Vehicles*

September 15, 2016

The Honorable Jeh Charles Johnson  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 29528

Dear Secretary Johnson:

The State of South Carolina and the South Carolina Department of Motor Vehicles is requesting another extension beyond October 10, 2016 as we continue to work towards implementing standards that meet or exceed the requirements of the REAL ID Act.

Currently, South Carolina is not in complete compliance with the following provisions:

- 37.05(a) Issues REAL ID driver's license/identification cards valid for a period not to exceed eight years.

The SCDMV believes that it is in material compliance with this requirement with its ten year licensing period. Military retiree identification cards and United States passports are valid for ten years, and those documents are accepted by Federal agencies for official purposes. It is clear that if those documents are accepted as being secure for ten years, then the South Carolina ten year driver's license must also be considered to be secure.

- 37.11(c) Requires individual to submit at least one source document when establishing identity.
- 37.11(d-g) Requires documentation of date of birth, social security number, address of principal residence, and lawful status.
- 37.31 Requires retention of digital copies of source documents for ten years.

The SCDMV has been in literal compliance with 37.11(c-g) since 2002. Beginning in 2002, SCDMV has been requiring source documents and documentation of date of birth, social security number, address of principal

residence, and lawful status for all applicants. Employees have verified the validity of these documents and stored the verification information. However, full compliance with the scanning requirement of 37.31 did not begin until 2010. The SCDMV fully implemented scanning of all source documents on November 1, 2010, and has digitally stored them in its document management system. Therefore, source documents have been verified for the past fourteen years.

Source documents have been required for anyone entering the state since 2002, even if they had been previously licensed here. Source documents have not been required of people who have renewed their licenses after having been in continuous residence since before 2002.

South Carolina seeks an exemption from any requirement that persons will have to present source documents in the future if they (a) are currently licensed in South Carolina, (b) were licensed in South Carolina prior to 2002, and (c) have been constantly licensed in South Carolina since 2002. That is, persons who have been constantly licensed in South Carolina for over fourteen years would not have to present source documents to renew their licenses.

As an additional basis for the exemption, the SCDMV points out that a literal application of Subsections 37.11(c-g) would require that every person licensed prior to 2002 would have to immediately bring source documents to an SCDMV office. This would be problematic. Even worse, a literal application of Section 37.31 would require that every person licensed before 2010 would have to bring in source documents for scanning, even though many would have already presented their documents for viewing and even though, if they had been scanned previously, the scans would have already been erased under the ten-year rule.

- 37.17(n) Commits to marking fully compliant driver's licenses and identification cards with a DHS-approved security marking.

The SCDMV will work with state legislators to add an indigo star to the South Carolina driver's license.

- 37.51 Commits to be in full compliance with the Act.

At the present time, South Carolina Code Section 56-1-85 prohibits implementation of REAL ID Act. However, the SCDMV will continue to have a

driver's license that exceeds federal standards and to ensure our credentials are acceptable for federal purposes.

- 37.55 Submit Final Certification package

At the present time, South Carolina Code Section 56-1-85 prohibits implementation of REAL ID Act. However, the SCDMV Executive Director will continue to work with DHS to certify that our credentials are comparable and meet or exceed federal security requirements.

We appreciate the assistance your staff has provided to us during this long process. The SCDMV remains committed to meeting the REAL ID standards.

Sincerely,

  
Kevin A. Shwedo  
Executive Director

We really appreciate your efforts to follow comparable standards. We are working hard to make this work because we believe the comparable standards are good for both the country and South Carolina!