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Date: 5/5/2005 4:11:11 PM

Subject: Driver's License Legislation

Attachments: Final\_Driver\_License\_provisions\_HR\_418\_in\_Supplemental.doc

HR\_1268\_DL\_Conference\_Explanation-Provisions.doc

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*AAMVA Legislative/Regulatory Alert*

To: Chief Motor Vehicle Administrators  
Chief Law Enforcement Officers  
Drivers License Contacts

FR: Tom Wolfsohn, Senior Vice President  
**Government Affairs & Communications**

DATE: May 5, 2005

RE: Driver's License Legislation

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By now, many of you probably know that the driver's license provisions contained in the REAL ID Act (H.R. 418) passed amended by the House on February 10 was included in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005 (H.R. 1268). The House passed the supplemental today by a vote of 368-58 and the Senate will take up the conference report when it returns next week. Some provisions were changed or deleted during the House and Senate conference. Attached you will find a copy of the provisions along with the conference explanation for each driver's license and identification card provision. Provisions *deleted* from the REAL ID when passed by the House in February or during the conference are as follows:

- A state is eligible to receive any grant or other type of financial assistance made available only if the state participates in the interstate compact regarding sharing of driver license data, known as the "Driver License Agreement", in order to provide electronic access by a state to information contained in the motor vehicle databases of all other states.
- The Secretary of Homeland Security may prescribe one or more design formats for driver's licenses and ID cards in order to protect the national security interests of the United States; and to allow for clear visual differentiation between categories of driver's licenses and identity cards (such as to differentiate between driver's licenses valid for multi-year terms and temporary driver's licenses).
- The Secretary of Homeland Security may further limit the validity period of both the regular and temporary driver's licenses and ID cards in order to provide for periodic confirmation of principal residence address and lawful presence in the United States.
- In any case in which the state issues a driver's license or ID card that does not conform to the minimum standards, state must ensure that such license or ID card clearly states on its face that it may not be accepted by any federal agency for any official purpose; and 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.

Provisions tweaked or added in during the conference are:

- 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.
- States must maintain a motor vehicle database that contains, at a minimum, all data fields printed on drivers' licenses and ID cards issued by the state; and motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.
- In any case in which the state issues a driver's license or ID card that does not conform to the minimum standards, state must ensure that such license or ID card clearly states on its face that it may not be accepted by any federal agency for any official purpose; and 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. (*Placed back in at the request of the White House*)

The President has stated that he will sign the wartime supplemental into law because he supports the driver's license and

identification card provisions. When the bill is enacted, it will repeal the driver license provisions and end the Department of Transportation negotiated rulemaking that started last month as required under the Act.

AAMVA will meet with officials at the Department of Homeland Security to see which division will have oversight implementing these requirements. We will continue to work with Congress to make revisions and seek funds to assist the states with implementation.