



REAL ID ACT OF 2005 DRIVER'S LICENSE TITLE SUMMARY

On May 11, 2005, President Bush signed into law the “REAL ID Act of 2005,” which was attached to the “Emergency Supplemental Appropriation for Defense, the Global War on Terror, and Tsunami Relief, 2005” (H.R. 1268, P.L. 109-13). Title II of REAL ID—“Improved Security for Driver’s License’ and Personal Identification Cards”—repeals the provisions of a December 2004 law that established a cooperative state-federal process to create federal standards for driver’s licenses and instead directly imposes prescriptive federal driver’s license standards. The following table summarizes the act’s driver’s license title.

Provisions / Citation	Summary
Repeal of 9/11 Commission Implementation Act DL/ID Provisions §206	Repeals §7212 of 9/11 Commission Implementation Act of the Intelligence Reform and Terrorism Prevention Act of 2004 (<i>Public Law 108-458</i>), which directed DOT in consultation with DHS to establish a negotiated rulemaking committee of state and federal officials along with other stakeholders to created federal minimum security standards for DL/IDs
Minimum Standards for Federal Use §202(a) §205(b)	<ul style="list-style-type: none"> A federal agency may not accept a driver’s license or personal identification card (DL/ID) after May 11, 2008, unless the state has been certified by the U.S. Department of Homeland Security (DHS) in consultation with the U.S. Department of Transportation (DOT) to meet the requirements of the law The DHS Secretary may grant a state an extension to meet the certification requirement if the state provides adequate justification for noncompliance
DL/ID Document Standards §202(b)	<ul style="list-style-type: none"> At a minimum, a state shall include the following information and features on a DL/ID: (1) person’s full legal name, (2) person’s date of birth, (3) person’s gender, (4) DL/ID number, (5) digital photograph, (6), person’s address of legal residence, (7) person’s signature, (8) physical security features designed to prevent tampering, counterfeiting or duplication for fraudulent purposes, and (9) a common machine-readable technology with defined data elements
Minimum DL/ID Issuance Standards §202(c)(1) §202(c)(3)(B) §202(d)(3) §202(d)(6) §202(d)(10)	<ul style="list-style-type: none"> At a minimum, a state shall require the presentation and verification of the following information: <ol style="list-style-type: none"> 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) Documentation showing the person’s date of birth Proof of the person’s social security account number (SSN) or verification that the person is not eligible for an SSN Documentation showing the person’s name and address of principal residence A state shall not accept any foreign document other than an official passport A state shall subject each DL/ID applicant to mandatory facial image capture A state shall refuse to issue a DL/ID to a person holding a DL/ID from another state without confirmation that the person is terminating or has terminated the other state’s DL/ID A state shall limit the period of validity of all DL/IDs that are not temporarily issued to a period that does not exceed eight (8) years
Verification of Documents §202(c)(3)(A) §202(d)(5) §202(d)(4)	<ul style="list-style-type: none"> Before issuing a DL/ID, the state shall verify, with the issuing agency, the issuance, validity and completeness of each document to be presented A state shall confirm with the Social Security Administration a SSN presented by a person using the full SSN; in the event a SSN already is registered to or associated with another person to which any state has issued a DL/ID, the state shall resolve the discrepancy and take appropriate action A state shall establish an effective procedure to confirm or verify a renewing applicant’s information

Provisions / Citation	Summary
Immigration Requirements Verification of U.S. Citizenship and Lawful Status §202(c)(2)(A), (B)	<ul style="list-style-type: none"> • Before issuing a DL/ID, a state shall require and verify valid documentary evidence that the person: (i) is a U.S. citizen, (ii) is an alien lawfully admitted for permanent or temporary residence, (iii) has a conditional permanent resident status, (iv)) is a refugee or has been granted asylum, (v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status, (vi) has a pending application for asylum, (vii) has a pending or approved application for temporary protected status, (viii) has approved deferred status, or (ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent resident status
Temporary DL/ID §202(c)(2)(C) Non-Conforming DL/IDs §202(d)(11) SAVE Participation §202(c)(3)(C)	<ul style="list-style-type: none"> • A state only may issue a temporary license to persons who presents documentary evidence for the categories (v) through (ix) under the evidence of lawful status section above. A temporary DL/ID: <ul style="list-style-type: none"> • Shall be valid only for the period of the applicant’s authorized stay in the U.S. or one (1) year if there is no definite end to the period of stay • Shall indicate clearly that it is temporary and shall state the date on which it expires • May be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary DL/ID has been extended by DHS • In any case in which a state issues a DL/ID that does not satisfy the federal requirements, a state shall ensure that that the DL/ID: (A) clearly states on its face that it may not be accepted for federal identification or any other official purpose, and (B) uses a unique design or color indicator to alert federal agencies or other law enforcement personnel that it may not be accepted for any such purpose • No later than September 11, 2005, a state shall enter into a memorandum of understanding with DHS to routinely utilize the automated system known as System for Alien Verification for Entitlements (SAVE) to verify the legal presence status of a non-citizen applying for a DL/ID
Security and Fraud Prevention Standards §202(d)(7), (8) and (9) §203(a)	<ul style="list-style-type: none"> • A state shall ensure the physical security of locations where DL/IDs are produced and the security of document materials and papers from which DL/IDs are produced • A state shall subject all persons authorized to manufacture or produce DL/IDs to appropriate security clearance requirements • A state shall establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of DL/ID • Establishes a federal criminal penalty for persons who knowingly traffic in false or actual authentication features for use in false identification documents, document-making implements, or means of identification
Data Retention and Storage §202(d)(1), (2) and (13)	<ul style="list-style-type: none"> • A state shall employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format • A state shall retain paper copies of source documents for a minimum of seven (7) years or images of source documents for a minimum of ten (10) years • A state shall maintain a state motor vehicle database that contains: (A) all data fields printed on DL/IDs issued by the state, and (B) motor vehicle drivers’ histories, including motor vehicle violations, suspensions, and points on license
Linking of Databases §202(d)(12)	A state shall provide electronic access to all other states to information contained in the motor vehicle database of the state
Grants to States §204	<ul style="list-style-type: none"> • DHS may make grants to a state to assist the state in conforming to the minimum federal standards • Authorizes such sums as necessary for the fiscal years 2005 through 2009 to carry out the law (but does not appropriate any money)
Authority §205	Grants authority to DHS to issue regulations, set standards, and issue grants under the law in consultation with DOT and the states

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