

Info Alert

National Conference of State Legislatures Office of State-Federal Relations

Dec. 23, 2013

REAL ID ENFORCEMENT UPDATE

Overview

On December 20, the Department of Homeland Security (DHS) [announced](#) that phased in enforcement of the REAL ID Act will begin on Jan. 20, 2014. This announcement follows a nearly year-long period of deferred enforcement. The REAL ID Act aims to create national standards for state issued driver's licenses and identification cards so they may be used to board commercial aircraft and access certain federal facilities.

DHS plans to implement REAL ID enforcement over four phases, with each phase consisting of two distinct deadlines. The first deadline will begin a three-month "warning" period where noncompliant IDs will still be accepted. Following this three-month period, full enforcement of the phase will begin, and IDs from noncompliant states will no longer be accepted for federal purposes as defined in the act.

Enforcement Schedule

- Phase 1: Restricted areas for DHS Headquarters - Nebraska Ave. Complex
 - Jan. 20, 2014 – Begin notification period (three-month period)
 - April 21, 2014 – Full enforcement
- Phase 2: Restricted areas for all federal facilities and nuclear power plants
 - April 21, 2014 - Begin notification period (three-month period)
 - July 21, 2014 - Full enforcement
- Phase 3: Semi-restricted areas for the remaining federal facilities
 - Oct. 20, 2014 - Begin notification period (three-month period)
 - Jan. 19, 2015 - Full enforcement
- DHS will evaluate the first three phases to determine how to implement phase 4. Phase 4, which pertains to entry of commercial aircraft, will go into effect no sooner than Jan. 1, 2016.

DHS defines "restricted areas" as those that are normally accessible only to agency personal, contractors and their guests. "Semi-restricted" areas are defined as those areas that public can enter but are subject to identification control.

State Progress

- Compliant States/Territories: DHS provided [a list of 21 states](#) currently found to have met the standards of the REAL ID Act of 2005 for driver's licenses and identification cards. These states are Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Indiana, Iowa, Kansas, Maryland, Mississippi, Nebraska, Ohio, South Dakota, Tennessee, Utah, Vermont, West Virginia, Wisconsin and Wyoming.
- Extensions: DHS also announced that 20 states/territories—Arkansas, California, District of Columbia, Guam, Idaho, Illinois, Michigan, Missouri, New Hampshire, Nevada, North Carolina, North Dakota, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Texas, Virginia and the Virgin Islands—will receive a compliance extension based on their movement toward full compliance. Licenses from these states will be accepted for federal purposes during the extension period. These extensions will expire on Oct. 10, 2014 and can be renewed.
- States/Territories not in Compliance: There are 15 states/territories—Alaska, American Samoa, Arizona, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Montana, New Jersey, New Mexico, New York [i], Northern Marianas Islands, Oklahoma and Washington[ii]—currently in a noncompliance status. These jurisdictions can be granted an extension in the future if they are deemed to be moving toward full compliance.

If you have any questions or concerns regarding the announcement from DHS or your state's status with DHS regarding REAL ID please contact NCSL staff Molly Ramsdell (molly.ramsdell@ncsl.org or 202-624-3584) in the Washington, D.C., office or Anne Teigen (anne.teigen@ncsl.org or 303-364-7700) in the Denver office. Please be aware that because of the upcoming holiday, it may take some time to return messages. Thank you.

[i] Federal officials may continue to accept Enhanced Driver's Licenses from this state.

[ii] Ibid.