

ILLINOIS

REAL ID ACT (P.A. 109-13) IMPACT, ASSUMPTIONS

7-7-05

Provisions	Specific Requirements	IL Impact	Assumptions
Authority	<p>Sec. 205: Authorizes Secretary of Homeland Security to issue regulations, set standards and issue grants, in consultation with the Secretary of Transportation and the states.</p> <p>Sec. 207: Nothing is to affect U.S. DOT or state authorities under Ch. 303 of Title 49, U.S Code.</p>	<p>Illinois is slated to rebid digital license system in 2007. To the degree that regulations are not available to spell out exact requirements, we will face a much greater challenge in designing and bidding a system to fully comply with 2008 provisions. Time is of the essence for us on rules.</p>	<p>Assume move from DOT to DHS could mean delays in rule publication as DHS gears up for this new area.</p> <p>Can we get any timetable on rule promulgation?</p>
Applicability	<p>Sec. 201:</p> <p>Applies to all U. S states and territories.</p> <p>Applies to and defines DLs and IDs. CDLs?</p> <p>Sec. 202 (a): Effective 3 years after enactment (enacted May 11, 2005).</p>	<p>3 years is a very short time, with two state budget and legislative cycles at most.</p>	<p>Assume CDLS are included.</p>
Grants	<p>Sec. 204:</p> <p>Authorizes appropriations for fiscal years 2005-2009 for the Secretary of Homeland Security necessary to carry out this act.</p>	<p>Costs will be huge, esp. for a large state that may well have to retool much of its operation, including eligibility criteria.</p>	<p>Assume no funds in 2005 appropriations. Assume after 2008, states must bear all on-going costs. Will extensions if needed also include funding extensions?</p> <p>Suggests grants will be permissive. Assume based on need and</p>

	Secretary of Homeland Security <u>may</u> make grants to a state to assist in conforming to the minimum standards.		competitive applications rather than by a formula allocation. Assume state legislatures will delay making appropriations until the availability of federal funds is known—introduce additional delays.
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Information Required on the Driver's License and Identification Card	<p>Sec. 202 (b)</p> <p>States shall include at minimum, the following information and features on the driver's license and identification card:</p> <ol style="list-style-type: none"> 1. the person's full legal name, 2. date of birth, 3. gender, 4. driver license or identification card number, 5. a digital photograph, 6. address of principal residence, 7. signature, 8. physical security features to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes and 9. a common machine-readable technology, with defined minimum data elements. 	<p>We already have all the text on our DL/IDs <u>except</u> full legal name. May need law change for some requirements. DL/ID records belonging to same person not linked--need to be located, records linked, and SOS must require identical information be used on DL/ID records.</p> <ol style="list-style-type: none"> 1. Legal name requirement in IL in I D Security bill effective 1/1/05, but currently not operationalized as <u>full</u> legal name. <p>Once "full legal name" is defined in federal rule, Illinois will likely need to change administrative rules. (In law but generally.) Will need new facility procedures; change programming on every screen and databases to store longer names; change card design to print full legal name. 18 mo. to 2 years programming estimated. Will require field changes for likely every external user who comes into our systems—law enforcement, insurance.</p> <p><u>5. Without an exception, to</u></p>	<p>General: Assume DL and ID records must be linked, and some information from both shared with any other state requestor. Should that be assumed?</p> <p><u>Who else will have to do major changes in their systems to obtain information from DMVS—law enforcement, election authorities, insurance companies, etc.?</u></p> <p>6. Assume that standard address verification methods that verify legitimacy of mailing address will suffice as verification of principal address. If not, we do not know how we'll verify that a person actually lives there esp. if they are not the named person on documents used to establish address.</p> <p><u>5. Assume no exceptions for</u></p>
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<p>Minimum Issuance Standards</p>	<p>Sec. 202 (c):</p> <p>A state shall require, at minimum, presentation <u>and verification</u> of the following information <u>before</u> issuing a driver's license or ID card to an individual:</p> <ul 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 or verification that the person is not eligible for a social security account number. • documentation showing the person's name and address of principal residence. <p>A state must require evidence of legal status before issuing a driver's license or identification card. (See</p>	<p>Will need to re-examine I D policies to ensure that we meet these requirements for these minimum documents, and perhaps limit acceptable documents to those that are verifiable with issuing source.</p> <p>Must rely on manually prepared letters from SSA to show <u>ineligibility</u>— currently they are not verifiable as validly obtained.</p> <p>Will have definition issues with full legal name and principal residence.</p> <p>See immigration requirements.</p>	<p>Assume all verifications before issuance means few if any new could be over the counter unless it involves a second visit, unless additional electronic verification methods are developed.</p> <p>Assume letters of ineligibility from SSA do not have to be verified with the issuing source?</p>

	Immigration Requirements)		
Immigration Requirements	<p>Sec. 202 (c) (2) (B):</p> <p>A state shall require, before issuing a driver’s license or identification card to a person, valid documentary evidence that an individual is</p> <ul style="list-style-type: none"> • a citizen of the United States; • an alien lawfully admitted for permanent or temporary residence; • has conditional permanent resident status; • has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry; • has a pending or approved application for asylum; has refugee status; • has a pending or approved application for temporary protected status; • has approved deferred action status; • or has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent resident status. 	<p><u>Illinois has no legal presence requirement in Illinois law, except for TVDL applicants ineligible for SSNs. Law change required, major overhaul in eligibility criteria to add it.</u></p> <p><u>If Illinois needs to redefine regular DL/ID eligibility to tie it to citizenship or permanent residency instead of to SSN, there could potentially be tens or likely hundreds of thousands of non-citizens with SSNs who will now have to get TVDL instead, with DL tied to authorized length of stay. Full legal review needed of this, Sanchez decree which currently prohibits us from requesting immigration documents for any applicant but TVDL.</u></p> <p><u>Need to evaluate potentially effects on reciprocity agreements with other countries.</u></p>	<p>Big question in a nutshell for Illinois is will the requirement of SSN suffice as evidence of legal presence? Neither holding an SSN nor SSOLV responses indicates citizenship nor if the non-citizen is still legally in the country at time of DL/ID application, so we assume not. The Question: Under (c)(2)(B)(ii), a state may issue a "regular" driver's license to an alien that is lawfully admitted for permanent or temporary residence in the US. Under (c)(2)(B)(v), a state may issue only a temporary driver's license to a person who has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the US. However, the definition of alien that is found in 8 USC 1101, Section 101(3) defines the term alien as "any person not a citizen or national of the US." Based on these definitions, it seems possible that a person could be an alien (and be eligible for a regular driver's license), but holds a nonimmigrant visa (and be eligible for only a temporary driver's license). In that case, do we issue a regular or temporary driver's license? For example, a man comes from Germany to work, temporarily, in the US. He would</p>

			<p>be considered an alien. However, he would not have an immigrant visa, as he is not planning on making the US his permanent home. This person seems to fit into both categories. In this case, would the visa status take precedence? How are the terms alien and nonimmigrant visa going to be defined in relation to the implementation of the Real ID Act?</p> <p><u>Potentially affects state's reciprocity agreements with other countries?</u></p> <p><u>Assume move from regular DL to TVDL would have to be treated as new, or would existing ones be grandfathered?</u></p>
<p>Temporary Driver's License and Identification Cards</p>	<p>Sec. 202 (c) 2 (C):</p> <p>States may only issue a temporary driver's license or identification card to applicants who present evidence of legal status for</p> <ul style="list-style-type: none"> • a valid, unexpired nonimmigrant visa or nonimmigrant visa status, • a pending application for asylum, • pending or approved 	<p><u>Illinois has TVDL program, but is issuing regular DLs and IDs to persons who may have eligibility restricted to only getting a TVDL—that is, non-citizens with SSNs with time-limited legal authorization to stay in the U.S.</u></p> <p><u>Illinois TVDL program allows DLs, not IDs. Federal law</u></p>	<p>Assuming MAJOR operational impact of shifting many non-citizens with SSNs into TVDL program, and then limiting many TVDLs to one year instead of three years—</p> <p>More SAVE use--\$ and delays TVDLs at all sites, not just 6</p> <p><u>More frequent renewals—3 yrs. to 1</u></p>

	<p>application for temporary protected status,</p> <ul style="list-style-type: none"> • approved deferred action status or • has a pending application for adjustment of status to that of an alien lawfully admitted for permanent resident in the United States or conditional permanent resident status. <p>A temporary driver's license or identification can only be valid for the period of time of the applicant's authorized stay in the United States or for a period of <u>one year</u> if there is no definite end to the period of authorized stay.</p> <p>A temporary license or ID card must clearly indicate that it is temporary and shall state the date on which it expires.</p> <p>A temporary license or ID card may be renewed upon presentation of valid immigration documents that the status of stay has been extended by the Secretary of Homeland Security.</p>	<p><u>allows temporary IDs.</u></p> <p>MAJOR operational impact of shifting many non-citizens with SSNs into TVDL program, and then limiting many TVDLs to one year instead of three years—</p> <ul style="list-style-type: none"> More SAVE use TVDLs at all sites <p><u>More frequent renewals</u></p> <p><u>Must change law and program For TVDLs to be 1 year instead of 3 for those with no definite end of authorized stay.</u></p> <p>Current Illinois TVDLs do this AND say "Not Valid for Identification" as well. Future card design.</p> <p>Currently done in TVDL program.</p>	
Verification of Documents	<p>Sec. 202 (c) 3: <u>Before</u> issuing a driver's license or ID card to a person, a state shall verify, <u>with the issuing agency</u>, the issuance, validity, and completeness of <u>each</u></p>	<p>ADDRESS: Will need to find an address verification method that gets to principal address, not just valid mailing address.</p>	<p>Assume Illinois is like every state in that we are currently unable to comply with this for <u>every</u> breeder document. On-line verification</p>

	<p><u>breeder document required to be presented by the applicant.</u></p> <ol style="list-style-type: none"> 1) SSOLV 2) SAVE 3) DEERS 4) Other jurisdiction (DL/ID card) 5) Birth certificate 6) Other...i.e. third party vendors <p>States must verify with the Social Security Administration a social security number presented by a person using the full social security number.</p> <p>A state may not accept any foreign document, other than an official passport as proof of identification.</p> <p>State must sign a Memorandum of Understanding with the Department of Homeland Security by September 11, 2005, to use the Systematic Alien Verification Entitlements (SAVE) to verify the legal presence status of an applicant other than a United States citizen.</p>	<p>PASSPORTS: No verification system currently in place for passports. No mechanism to verify U.S. or foreign ones.</p> <p>1) Illinois already verifies SSN through SSOLV—on line since 6/14/04.</p> <p>2) Illinois has signed an MOU for SAVE (eff. 10/04) and already verifies immigration documents in TVDL program only, for those not eligible for SSN, not for all non-citizens. ONLY AT 6 SITES. (SAVE is costly; not built into our system to ensure its usage like SSOLV but needs to be— fraud risk; many delays in responses from DHS.)</p> <p>3) Illinois has not looked at DEERS, need to first identify if it is going to be useful for a significant enough part of population to warrant costs.</p> <p>5) There is no local, state or national automated system for verification of U.S. issued birth certificates, and certainly no automated system for foreign birth certificate verification. Illinois does not plan to participate in EVVE but design its own system.</p>	<p>systems for many are not available. Manual systems especially in a state our size are simply not feasible or cost-effective by any stretch. Expect cost, delays, and significant manual exception processes.</p> <p><u>Assume this could largely prevent “instant” or “over the counter” (OTC) issuance of some or all of our DLs and IDs, esp. new or renewal (depending on renewal verification requirements).</u></p> <p><u>Assume it could reduce or end mail and Internet address changes and renewals.</u></p> <p>Assume we will have to significantly reduce the number and type of acceptable documents used, to limit it to those that are verifiable.</p> <p>Assume current MOAs with DHS already signed will suffice. Will they?</p> <p>Assume only renewal requirements will apply to current DL/ID holders, not full verification as though they were new.</p> <p>Assume 3rd party verification or verification of document’s physical characteristics (security features, paper, etc.) will not meet definition</p>
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			<p>of verification with “issuing source”. Need definition of issuing source. For example, for birth certificates, is it state public health department or local county? Or, if SSA has already verified vital records for DOB, and a code could be added to SSOLV, would that suffice for DMV DOB verification with issuing source?</p> <p>Does State Dept. intend to have ability to verify U.S. passports? Foreign passports?</p> <p>Will verification of I-94, other accompanying immigration documents through SAVE, even though we can only accept foreign passports, suffice as verification with the issuing source? If not, what mechanism, will exist to verify foreign passports?</p>
Other Issuance Requirements	<p>Sec. 202 (d):</p> <p>(1, 2) Must capture images of identity source documents and retain electronic copies for minimum 10 years or paper copies for 7 years.</p>	<p>Will need to electronically scan all identity source documents at the counter in facilities, have network capacity to transmit to central electronic storage, and have them be retrievable and able to be electronically shared.</p> <p>Need to assess Illinois record retention laws for paper/electronic copies.</p>	<p><u>Assume this scanning requirement plus verification steps may significantly limit mobile unit use, perhaps make mobiles impractical?</u></p> <p>Assume major cost not just for hardware but also for storage and to redesign facility layouts to add space at counter for scanners.</p> <p>Assume privacy issues are bigger than</p>

	<p>(3) A state must subject each person <u>applying</u> for a driver's license or ID card to mandatory facial image capture.</p> <p>(4) States must establish an effective procedure to confirm or verify a renewing applicant's information.</p> <p>(5) Confirm SSN and in the event that a Social Security number is already registered to or associated with another person to whom <u>any</u> State has issued a driver's license or ID card, the state shall resolve the discrepancy and take appropriate action.</p>	<p>Need to assess legal/privacy considerations for who can see, retrieve and receive this new information kept by DMVs.</p> <p>No Valid Without Photo/Signature? Other state law changes on photo requirement possible. Religious exemptions, military.</p> <p>Unknown right now--could affect time to process renewals, ability to do them instantly OTC, and may affect ability to have mail and Internet Safe Driver Program. Potentially huge operational impact—the bulk of our applications are renewals each year.</p> <p>SSOLV does not indicate if SSN issued to another. Not all states require SSN. At a minimum, this will require linkage of SOS database with ALL DMV databases to do checks.</p> <p>SOS can, but does not do SSN or name checks on our own database. This</p>	<p>we anticipate, as DMVs will now have (and law enforcement, federal government, others will want) copies/information.</p> <p><u>Assume this by definition moves the camera to front of application process—must capture photo of all applicants, not just cardholders:</u> Complete facility workflow redesign Major re-working of programming 130-plus facility remodel/design</p> <p>We do not know what to assume. Need clarification here ASAP—what verification needs to be done will affect central vs. instant issue, mail and Internet renewal options.</p> <p>Is this over and above the requirement to verify other DL or ID issued or just DL? It looks like it is to also verify if they used an SSN or if anyone else I that state is using same SSN. Is that correct interpretation?</p>
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	<p>(6) Must refuse to issue to person holding other state's DL or ID without confirming it is terminated or is being terminated.</p> <p>(7) Must ensure physical security of locations where cards produced and card materials are stored.</p> <p>(10) Must limit validity of DL/IDs to no more than 8 years.</p>	<p>"NA01" processing will need to be required.</p> <p>Much clean-up on multiple SSN records needed, esp. on unlinked DL and IDs.</p> <p>Locations currently include facilities, mobiles, and two warehouses. Likely work to be done, potential costs for locked areas or cabinets, safes, etc.</p> <p>Non-expiring Senior and 10 year disabled IDs will not meet requirement—will need to limit them to 8 years or make them not valid for federal purposes.</p>	<p>Not all states require SSN. Privacy issues for us, SSA, others?</p> <p>Will need all DMV databases linked, and do checks with other states before issuance. DRIVER\$ \$ going to be included in individual state grants? To AAMVA?</p> <p>Can we assume that this will be through AAMVA's existing systems, or new system directly to states? New system through DHS?</p> <p>Assume additional costs for secure space and storage if it stays in facilities.</p> <p>Assume possible additional steps or audit systems for consumables.</p> <p>Assume we may have to stop issuing non-expiring senior IDS and reduce time for disabled IDs.</p> <p>Assume those DL/IDs already in existence will be grandfathered. Need to know this for renewals, too, ASAP.</p> <p>Assume that federal purposes could</p>
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			include federal benefits eligibility for which seniors and disabled would have definite need for Real I D Act-compliant card.
Personnel Requirements	<p>Sec. 202 (d):</p> <p>(8) Must subject all staff that manufacture or produce DL/IDs to security clearance.</p> <p>(9) Must establish fraudulent document training programs for DL/ID issuance staff.</p>	<p>DHS must define clearance requirements. Effect on personnel policies, job requirements or titles?</p> <p>Illinois does very limited training currently. If AAMVA curriculum is required, it is 12 hours before working, and annual re-training.</p> <p>Likely need to look at potential specialist roles to have staff that is adequately prepared for some unique tasks, and/or specific workstations in facilities in order to manage diverse facility customer flow.</p>	<p>Do not know what to assume on security requirements. State and/or federal criminal background check? Any checks through DHS on terror watch or no fly or other lists?</p> <p>Assume AAVA curriculum will be adopted in rule as standard for compliance. Can we assume that?</p> <p>Assume major training needs for which we currently do not have organizational capacity/resources.</p>
Driver License Agreement and	Sec. 202 (d):		

<p>Interoperability</p>	<p>(12) Must provide electronic access to all other states to information in the SOS database.</p> <p>(13) State motor vehicle database must contain, at a minimum: all data fields printed on DL/IDs issued by the state; and motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.</p>	<p>Need to assess needed state law to authorize sharing of data including SSNs. Might include photo exchanges.</p> <p>SOS databases contain all this but records are not linked. (Previously noted.)</p>	<p>Assume DRIVERs or its equivalent is a prerequisite for all states. Establishing direct connections with all other states and jurisdictions, esp. in the absence of uniform standards for information exchange, would be a nightmare for all states. (Can we go home now??)</p> <p>Assume expansion of existing AAMVA systems.</p>
<p>Fraud Prevention and Security Standards</p>	<p>Sec. 203:</p> <p>The Act amends the fraud and related activity in connection with identification documents, authentication features, and information in 18 U.S.C. 1028 (a)(8) by striking "false authentication features" and inserting "false or actual authentication features" so it reads "knowingly traffic in false or actual authentication features for use in false identification documents, document-making implements, or means of identification."</p>	<p>Need to review Illinois DL/ID fraud and identity theft statutes to ensure they reflect this and other new requirements.</p>	
<p>Compliance</p>	<p>Sec. 202 (a): Federal agencies are</p>	<p>If Illinois DL/IDs do not meet federal</p>	<p>We need full explicit definition of</p>

	<p>prohibited from accepting for any official purpose a state-issued DL or ID three years after enactment of this Act unless the state conforms to the minimum standards established in the bill.</p> <p>Sec. 202 (d) 11): States can still issue DLs and IDs for driving or other purposes to persons legally or not legally in the country that do not meet requirements, but cards must:</p> <ul style="list-style-type: none"> • clearly say that they are not valid for federal purposes, and • use unique color or design to alert federal agency and law enforcement personnel. <p>Sec. 202 (a): Each state must certify to the Secretary of Homeland Security whether the state is meeting the minimum standards.</p> <p>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:</p> <ul style="list-style-type: none"> • 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 	<p>minimum standards, they cannot be used for federal purposes.</p> <p><u>Definition of “federal purpose” will be key -- includes air travel, accessing federal facilities. Federal benefits? DHS Secretary will determine.</u></p> <p><u>Could issue non-compliant cards. Illinois will need to determine if it will create a two-tiered system – some DL/IDs good for federal purposes, some not. And if so, will it be for persons not able to meet legal presence requirements be part or all of those eligible for non-federal DLs or IDs?</u></p> <p><u>Operational impact of adding those not legally in country will be very significant because of additional volume. Not a Real I D Act requirement so not a change that would be federally funded.</u></p> <p>Self-certification.</p>	<p>federal purposes in rule ASAP.</p> <p>We do not know if we will issue alternative non-Real I D Act compliant documents.</p> <p>Assume pressure to create one for persons not legally in the country.</p> <p>Assume it might also be needed for non-expiring senior IDs, Disabled IDs, non-photo DL/IDs <u>IF</u> those continue to be issued.</p>
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	other law enforcement personnel that it may not be accepted for any such purpose.		
Extensions	<p>Sec. 205 (b):</p> <p>The Secretary of Homeland Security may grant an extension of time beyond 3 years if the state provides adequate justification for noncompliance.</p>	<p>Need to develop timetables that reflect:</p> <ul style="list-style-type: none"> • State budget cycles, resources • State legislative and rule changes • DDLS contract term • Organizational capacity for change 	<p>Assume this might be needed, esp. if rulemaking process has unexpected delays. If so, need explicit direction in rules.</p>
Repeal	<p>Sec. 206:</p> <p>This Act repeals Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.A. 108-458) that required the Department of Transportation to establish minimum standards for the driver's license and ID card through negotiated rulemaking.</p>	<p>With repeal of the less stringent and more general provisions of the Intelligence Reform Act, which became law in December 2004, the negotiated rule-making process already underway (in which AAMVA and states were participating) was disbanded.</p>	

Questions & answers not included in response.