

Real ID Act of 2005

What does it mean for Virginia?

**DEPARTMENT OF MOTOR VEHICLES
NOVEMBER 1, 2005**

Background

- Signed into law on May 11, 2005**
- Intended to make government-issued identification more secure in order to counter the threat of terrorism**
- Agencies have the option to not comply**
- However, effective May 11, 2008, federal agencies cannot accept state-issued credentials from states that do not meet Real ID requirements**

Background

- State must certify compliance with Secretary of Homeland Security**
- Homeland Security may make grants to assist states in implementing Real ID**
- However, dedicated funding sources have not been identified**

Requirements

□ Minimum Document Requirements

- Full legal name
- Date of Birth
- Gender
- DL or ID card number
- Digital Photograph
- Principal residence address
- Signature
- Physical Security Features
- Common machine readable technology

Requirements

□ **Minimum Issuance Standards**

- Presentation and verification of:
 - Identity document
 - Date of birth document
 - SSN or non-eligibility
 - Principal residence address
 - Lawful status in the US: if status is temporary, DL or ID must clearly indicate that it is temporary with expiration date tied to authorized stay (or 1 year if indefinite)

Requirements

□ **Verification of proof documents**

- DMV must verify with the issuing entity issuance, validity, completeness of each proof of identity, SSN, residence and legal presence document
- No foreign document--other than an official passport--may be accepted as a proof document
- State must enter into MOU with DHS for SAVE system by 9/11/05

Requirements

□ Other Requirements

- Identity source documents --capture digital images to allow for electronic retention in transferable format
- Other source documents: retain paper copies 7 years or electronic copies 10 years
- Facial image capture
- Procedures to confirm a renewing applicant's information

Requirements

Other Requirements (cont'd)

- Confirmation of SSN or ineligibility with SSA. State must resolve discrepancies.
- No issuance of DL/ID to person holding a DL/ID from another state unless prior DL/ID is terminated.
- Physical security of DL/ID production sites and materials
- Subject persons who produce DL/IDs to “appropriate” security clearances

Requirements

□ Other Requirements (cont'd)

- Fraudulent document training for “appropriate” employees who issue DL/IDs
- Period of validity for non-temporary DL/IDs no more than 8 years
- Non-Compliant DL/IDs
 - Must clearly indicate non-acceptability
 - Must be of unique design or color to alert law enforcement

Requirements

□ **Other Requirements (cont'd)**

- DL/ID database:
 - Electronic access must be provided to all other states
 - Must contain all data fields on DL/ID
 - Must contain driving histories, violations, suspensions, and demerit points

Miscellaneous

□ **Authority**

- Secretary of Homeland Security has authority to issue regulations, set standards and issue grants with consultation with Secretary of Transportation and the states
- Extension: Secretary of Homeland Security may grant extensions of time for meeting DL/ID requirements if state provides adequate justification

Current Status

□ Requirements Already in Place in VA

- Majority of the Minimum Document Requirements
- Proof of identity, SSN, residency
- Proof of legal presence requirement (implemented January 2004) requires applicants to provide proof of legal presence:
 - ONLY if applying for a VA DL/ID for the first time or if their DL/ID has expired, been suspended, revoked or cancelled.

Current Status

□ Requirements Already in Place in VA

- Issuance of temporary documents with expiration date tied to duration of authorized stay (or 1 year if indefinite)
- SSN verification
- Verification of lawful presence status with SAVE (in part)
- MOU with DHS for SAVE program
- Facial image capture

Current Status

□ Requirements Not Currently in Place

- Minimum Document Requirements relating to full legal name and residence address
- Temporary DL/IDs must clearly indicate temporary nature
- Verification of all identity, legal presence and residency source documents
- Verification of legal presence with U.S. Customs and Immigration Services' automated system (SAVE) for all non-citizen applicants

Current Status

- **Requirements Not Currently in Place**
 - Scanning identity documents & retaining copies of all source documents
 - Procedures to verify customer's information upon renewal
 - Confirmation that DL/ID issued by another state has been terminated prior to issuance of Virginia credential

Current Status

Requirements Not Currently in Place

- Subject employees to appropriate security clearance requirements
- Fraudulent document training for all employees who issue DL/IDs
- Accessibility of DL/ID records to all other states
- Verification of proof of ineligibility for a social security number and resolution of discrepancies

Impacts

□ Service

- Lag time between application and document verification--could significantly delay DL/ID issuance
- Lack of cooperation by issuing entities could hinder document verification
- Potential for multiple customer trips to DMV to supply verifiable documents
- Elimination of alternative renewal options for at least the first renewal cycle: today 55% of eligible drivers renew by alternative means

Impacts

- **Service (cont'd)**
 - **Unrealistic implementation deadline:**
 - Need for development of regulations
 - Need for technology/electronic solutions
 - Need for cooperation by governmental and private sector entities
 - **If VA opts to comply and is unable to meet the deadline, credentials held by VA residents will not be accepted by federal agencies**

Impacts

□ **Security**

- Standardized DL/ID requirements are designed to enhance security
- “One credential” concept may prevent applicants from obtaining/retaining credentials from more than one state
- Increased information access among states will require effective security measures

Impacts

- **Privacy: New requirements that may create privacy concerns:**
 - Database access and information sharing among states
 - Capture and retention of source documents
 - Indicators on temporary documents may create privacy concerns on the part of individuals whose authorized stay in the U.S. is temporary

Impacts

□ Technology

- Database access among states will require development of compatible multistate systems
- Source document scanning and retention will require development or expansion of technologies
- Document verification: will be burdensome/time consuming if done manually; electronic systems do not exist and require development

Impacts

Fiscal

■ **Requirements will increase costs of issuing DL/IDs and increases will depend on:**

- Level of service that is expected to be maintained
- Availability and cost of technologies necessary for effective implementation

■ **National Estimates**

- Congressional Budget Office: \$120M nationwide
- National Conference of State Legislatures: \$500 to \$700M nationwide

Impacts

Fiscal (cont'd)

■ Sources of funds:

- Federal funding is authorized, but will not likely be sufficient to cover costs of implementation. (Thus far \$40 million dollars has been appropriated for implemented DHS plan of dependent on approved DHS plan of implementation and \$6 million is for pilot projects for integrating hardware, software and information management systems)
- State Funds: Budget
- Increased DL/ID fees