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**Transportation Committee**

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**HJM 4029**

**Brief Description:** Calling on the President and Congress to repeal the REAL ID Act of 2005.

**Sponsors:** Representatives Nixon, Appleton, Upthegrove, Morrell, Williams, Simpson and Moeller.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Calls on Congress to repeal the REAL ID Act of 2005.</li></ul>
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**Hearing Date:** 1/23/06

**Staff:** David Munnecke (786-7315).

**Background:**

The REAL ID Act of 2005 (Act), which was attached to the Emergency Supplemental Appropriation for Defense, the Global War on Terror, and Tsunami Relief, 2005, was signed into law on May 11, 2005. It repealed the provisions of a December 2004 law that established a joint state and federal process for creating a federal standard for driver's licenses, and contains the following significant requirements and restrictions:

- A federal agency may not accept a driver's license or personal identification card (DL/ID) after May 11, 2008, unless the issuing state has been certified by the Department of Homeland Security (DHS), in consultation with the Department of Transportation. The Act itself states that a certified DL/ID card will be required for boarding an airplane and entering a federal building.
- A DL/ID must contain a variety of information and features, including a person's full legal name and address of legal residence.
- A state must require the presentation of and must verify a variety of information and documentation including date of birth.
- A state must verify citizenship or immigration status, and in some cases may only issue a license valid for one year.
- A DL/ID that does not conform to the federal standards must indicate this fact through both a written statement on the license and a unique color or design.
- A state must ensure the physical security of DL/ID production locations and materials, and must subject people involved in production to appropriate security clearance procedures.
- A state must capture digital images of all source documents and maintain these images for a minimum of 10 years.

- A state must maintain a database containing all data fields printed on DL/IDs and drivers' driving histories. A state must provide electronic access to this database to all other states.

The DHS is still in the process of drafting the rules for implementing the REAL ID Act, so many of the details of its implementation remain unclear. The latest estimate for the release of the draft rules is August 2006.

**Summary of Bill:**

Findings are stated pointing out a variety of factors that make Washington uniquely vulnerable to terrorism. Terrorism is denounced and the responsibility of all levels of government to protect the public without impairing the civil rights and liberties that are essential to democracy is acknowledged. Also states that there is no inherent conflict between national security and the preservation of constitutional rights and liberties.

Lists some of the requirements of the REAL ID Act and includes estimates of the Act's costs for Washington and the U.S. Describes the requirement to create a national database of driver's license information and discusses the dangers of identity theft inherent in the existence of both this database and any private sector databases that include this information. Also describes the danger to police officers and victims of domestic violence, stalking, and criminal harassment that is created by the Act's mandate to include the actual home address on a driver's license or personal identification document.

Also discusses the burdens that the REAL ID Act places on the Department of Licensing and the users of its services who will likely be subjected to longer lines and waiting periods, as well as higher costs. States that the REAL ID Act was passed with insufficient deliberation, without a hearing or vote on its own merits, and in lieu of a negotiated process involving decision makers at all levels of government.

Finally, affirms Washington's opposition to terrorism, its commitment to civil liberties, and its opposition to measures that impinge upon civil rights and liberties. Then calls on Congress to repeal the REAL ID Act of 2005.

**Appropriation:** None.

**Fiscal Note:** Not requested.