



The Real ID Act: Identification and Documentation Requirements

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Passed by Congress in 2005, the Real ID Act authorizes the Department of Homeland Security to establish national standards for state-issued drivers' licenses and identification cards that must be implemented by May 11, 2008. This issue brief provides an overview of the act's provisions and details state requirements for implementing the federal requirements.

Background

The act requires that individuals present more forms of identification to apply for a driver's license or identification card, that state motor vehicle departments (DMVs) verify and retain a copy of each identification document used to obtain a driver's license or identification card, and that states include nine specific types of information on drivers' licenses and identification cards. The act also prohibits certain individuals from obtaining a permanent driver's license or identification card, requires that states participate in a national motor vehicle shared database, and prohibits individuals without a valid driver's license or identification card from accessing specified federal services.

States that issue drivers' licenses and/or identification cards that do not meet the federal standards must use a unique design or color to alert federal agencies, and other law enforcement, that the card may not be used for any official federal purposes.

According to the National Conference of State Legislatures, states estimate that they will spend up to a combined billion dollars to meet all of the federal

requirements. Exact costs for Colorado and other states to implement the federal requirements are not known because the Department of Homeland Security is still setting the rules and standards for how issuing departments collect, verify, and retain documents. States estimate that they will need until May 11, 2016, to adopt conforming legislation, receive federal funding, secure necessary technology and training, and renew all drivers' licenses and identification cards.

Requirements for Implementation

Driver's license and identification requirements under the Real ID Act. Under the act, to obtain a state-issued driver's license or identification card, applicants must provide:

- a photo ID, or a non-photo ID that includes the applicant's full legal name and birthdate;
- documentation of birthdate;
- proof of a social security number or verification that the applicant is not eligible for one;
- documentation showing the applicant's name and principal residence address; and
- documentation showing that the applicant is legally present in the United States. States are not allowed to accept any foreign identifying documents other than passports.

Currently, to obtain a Colorado driver's license or identification card, applicants must provide proof of age, proof of lawful presence, and proof of name. The Colorado Department of Revenue (DOR), the state's driver's license and identification card issuing agency, specifies requirements for the presentation of two original documents by an applicant.

Verifying and retaining identifying documents.

The act requires DMVs to verify and retain each identification document used to obtain a driver's license or identification card. DMVs must verify the authenticity of each document with the entity that issued the document, make copies of each identifying document, and retain copies of each identifying document for at least ten years.

Required information on drivers' licenses and identification cards. For the first time, the Real ID Act establishes federal requirements for information on drivers' licenses and identification cards. Table 1 compares the Real ID Act requirements for drivers' licenses or identification cards to current state requirements.

Table 1
Comparison of Real ID Act and Colorado
Requirements for Driver's Licenses and ID Cards

Required on Driver's License or ID Card	Real ID Act	State Law
Full legal name	X	X
Date of birth	X	X
Gender*	X	
Driver's license or identification card number	X	X
Digital photograph of holder's face**	X	X
Primary residential address	X	X
Signature	X	X
Physical security features to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes	X	X
Common machine readable technology with defined minimum data elements	X	
Expiration date		X
Official seal of the department		X
Reference to the previous license issued to the licensee		X

Sources: The Real ID Act (P.L. 109-13) and Section 42-2-114, C.R.S.

*Colorado licenses currently include gender, height, weight, and eye color.

**State law does not specify that the photograph must be digital.

Restricted individuals. Under the act, states may not issue a driver's license or identification card to an individual who holds an active driver's license in another state. Further, the following applicants are only eligible to apply for temporary drivers' licenses or temporary identification cards:

- individuals with unexpired nonimmigrant visa or nonimmigrant visa status;
- individuals with a pending application for asylum;
- individuals with a pending or approved application for temporary protected status in the United States;
- individuals with approved deferred action status; and
- individuals with pending applications for adjustment of status to that of an alien lawfully admitted for permanent or conditional permanent residence in the United States.

Temporary drivers' licenses or identification cards for the aforementioned individuals are valid for the period of time of the applicant's authorized stay in the United States or, if there is no definite period of authorized stay, a period of one year. The driver's license or identification card must be clearly identified as temporary.

Shared motor vehicle database. The act requires that states maintain a motor vehicle database that provides information on motor vehicle drivers, such as the data fields printed on drivers' licenses, motor vehicle violations, suspensions, and points on licenses. States are required to share this information electronically with other states.

Federal recognition. Federal agencies will not accept drivers' licenses or identification cards that do not meet the requirements established in the act. While the act does not define "official federal purpose," individuals without a valid driver's license or identification card will not be able to access federal buildings, board federally regulated commercial aircraft, enter nuclear facilities, or engage in other activities as determined by the Department of Homeland Security.