

Senate File 2052 - Introduced

SENATE FILE 2052

BY GUTH

A BILL FOR

1 An Act relating to the issuance of driver's licenses and
2 nonoperator's identification cards, including physical forms
3 of such identification and noncompliance with federal
4 requirements.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **321.189B Driver's licenses and**
2 **nonoperator's identification cards — noncompliance with federal**
3 **law — physical forms of identification.**

4 1. Upon request by an applicant and payment of the required
5 fee, the department shall issue a driver's license pursuant to
6 section 321.189, or a nonoperator's identification card pursuant
7 to section 321.190, as applicable, that does not comply with the
8 federal REAL ID Act of 2005, Pub. L. No. 109-13, as amended. An
9 otherwise valid driver's license or nonoperator's identification
10 card, or similar form of identification issued by another state,
11 shall not be considered invalid for purposes of identification
12 and driving privileges in this state, as applicable, based on
13 the fact that the identification does not comply with the federal
14 REAL ID Act of 2005, as amended.

15 2. A person shall not be required to present a driver's
16 license or nonoperator's identification card in digital form.
17 The department shall issue physical licenses and cards.

18 3. a. The department shall not collect, capture, store,
19 or use a biometric identifier when the department issues a
20 driver's license or nonoperator's identification card pursuant to
21 subsection 1.

22 b. For purposes of this subsection, "biometric identifier"
23 includes but is not limited to any of the following:

24 (1) Biometric facial image data, as described in the
25 international organization for standardization and the
26 international electrotechnical commission report on information
27 technology, biometric data interchange formats, part 5, face
28 image data.

29 (2) Facial recognition data.

30 (3) Iris scans.

31 (4) Fingerprints.

32 (5) Voiceprints.

33 (6) Any other measurable biological or behavioral
34 characteristic used for automated recognition of a person.

35 4. The department shall not retain a document, or a copy

1 thereof, provided by an applicant for a driver's license or
2 nonoperator's identification card under subsection 1 to verify
3 an applicant's identity, including but not limited to a birth
4 certificate, social security card, utility bill, financial
5 statement, tax record, or other document that may be used as
6 proof of the applicant's residency, legal presence, or identity.

7 5. Notwithstanding section 321.11 or any other provision
8 of law to the contrary, the department shall not share or
9 store information the department received or assigned relating
10 to a driver's license or nonoperator's identification card
11 issued pursuant to subsection 1 in any multistate, federal, or
12 international database system.

13 6. This section does not prohibit the department from
14 issuing a driver's license or nonoperator's identification
15 card that complies with the federal REAL ID Act of 2005,
16 Pub. L. No. 109-13, as amended, to a person who voluntarily
17 requests and is eligible to be issued such a license or card.

18 7. The department shall notify, verbally and in writing, an
19 applicant for a driver's license under section 321.189, or a
20 nonoperator's identification card under section 321.190, that the
21 applicant may apply for a license or card as described in this
22 section. A public communication including but not limited to
23 a sign, display, brochure, or electronic message that describes
24 or promotes the federal REAL ID program must clearly state that
25 participation in the federal REAL ID program is voluntary and
26 that a person may apply instead for a valid state, federally
27 noncompliant driver's license or nonoperator's identification
28 card.

29 8. The department shall provide annual training to employees
30 of the department regarding this section. A person who willfully
31 violates this section shall be subject to disciplinary action in
32 accordance with the department's policies, up to and including
33 termination of employment.

34 9. The department shall adopt rules pursuant to chapter 17A
35 to administer this section.

1 10. If the federal REAL ID Act of 2005, Pub. L. No. 109-13,
2 as amended, is repealed, or if the definition of "official
3 purpose" in 6 C.F.R. pt. 37 is amended, or if federal regulations
4 are changed to prohibit a state from issuing federally
5 noncompliant driver's licenses or other identification, the
6 department shall immediately rescind all compliance measures
7 with the federal REAL ID program, and shall not issue REAL
8 ID-compliant identification.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill requires the department of transportation (DOT) to
13 issue driver's licenses (DL) and nonoperator's identification
14 cards (ID cards) that do not comply with federal REAL ID program
15 standards if an applicant requests a noncompliant DL or ID
16 card. The bill limits the extent to which the DOT is able
17 to use and share information provided by an applicant for a
18 noncompliant DL or ID card. The bill requires the DOT to notify
19 applicants for a DL or ID card that the applicant may be issued a
20 federally noncompliant DL or ID card. Employees of the DOT must
21 receive annual training on the provisions of the bill and are
22 required to face disciplinary action for willful violations. If
23 certain changes occur relating to the administration of federal
24 REAL IDs, the bill requires the DOT to immediately rescind all
25 compliance measures with the REAL ID program and cease issuing
26 REAL ID-compliant identification.