

House File 2110 - Introduced

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BY SHIPLEY

A BILL FOR

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

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

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
6 to section 321.189, or a nonoperator's identification card
7 pursuant to section 321.190, as applicable, that does not
8 comply with the federal REAL ID Act of 2005, Pub. L. No.
9 109-13, as amended. An otherwise valid driver's license
10 or nonoperator's identification card, or similar form of
11 identification issued by another state, shall not be considered
12 invalid for purposes of identification and driving privileges
13 in this state, as applicable, based on the fact that the
14 identification does not comply with the federal REAL ID Act of
15 2005, as amended.

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

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

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

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

30 (2) Facial recognition data.

31 (3) Iris scans.

32 (4) Fingerprints.

33 (5) Voiceprints.

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

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

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

15 6. This section does not prohibit the department from
16 issuing a driver's license or nonoperator's identification card
17 that complies with the federal REAL ID Act of 2005, Pub. L. No.
18 109-13, as amended, to a person who voluntarily requests and is
19 eligible to be issued such a license or card.

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

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

1 9. The department shall adopt rules pursuant to chapter 17A
2 to administer this section.

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

11 EXPLANATION

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

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