

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB911

Hearing Date: February 04, 2008

Committee On: Transportation and Telecommunications

Introducer(s): (Hudkins)

Title: Provide for REAL ID operators licenses and state identification cards

Roll Call Vote - Final Committee Action:

Placed on General File with Amendments

Vote Results:

8 Yes	Senators Aguilar, Fischer, Hudkins, Lautenbaugh, Louden, Pedersen, Schimek, Stuthman
0 No	
0 Absent	
0 Present, not voting	

Proponents:
Senator Carol Hudkins
Beverly Neth

Representing:
Introducer, District 21
Department of Motor Vehicles

Opponents:
Darcy Tromanhauser

Laurel Marsh

Representing:
Nebraska Appleseed Center for Law in the
Public Interest
ACLU Nebraska

Summary of purpose and/or change:

LB 911 implements the federal REAL ID Act in Nebraska and authorizes the DMV to take over driver licensing from the counties, create regional centers, and begin central issuance of licenses and identification cards.

Section by Section Summary

Section 2 provides intent language of the Legislature that the DMV shall develop licenses that protect the identity of the holders and reduce identity theft, fraud, forgery, and counterfeiting.

Section 4 provides a definition of department to mean Department of Motor Vehicles.

Section 5 provides a definition of the REAL ID Act of 2005.

Section 7 requires the department to establish procedures to confirm or verify an applicant's identity each time a license is renewed or reissued.

(REMOTE RENEWAL) The section also permits renewal not in person (mail or electronic) every other renewal cycle if no documents on file have changed.

Section 8 (EMPLOYEE BACKGROUND CHECKS) requires employee background checks for any employee involved in the manufacture or production of the licenses or having the ability to affect the information on the license. A background check includes a criminal history record, prior employment references, a financial history check, and a lawful status check. Notice must be provided to the prospective employee of the background check.

Any person convicted of a disqualifying crime will not be authorized to manufacture the licenses or have any ability to affect information on the license.

Section 9 (DOCUMENT RETENTION) requires the department to retain images of applicants and all source documents for a minimum of ten years.

Section 10 (COMPLIANCE) requires the department to apply to the Department of Homeland Security for certification in the REAL ID Act and to review compliance with REAL ID each year.

Section 11 (DOCUMENTARY PROOF) amends § 60-484 by requiring a license applicant to provide documentation showing his or her full legal name, mailing address, two forms of proof

of address, date of birth, gender, social security number, evidence of lawful status, and a brief physical description.

Proof of date of birth for person over eighteen years requires presenting a U.S. passport, a birth certificate, a consular report of birth abroad, a DHS permanent resident card, an employment authorization document, a foreign passport with a valid U.S. visa, a naturalization certificate, a certificate of citizenship, or a REAL ID compliant license. No foreign document shall be accepted.

In addition to these documents, an applicant under eighteen shall show proof of identity with a certified birth certificate or a parent/guardian affidavit.

(NAME CHANGE) If an applicant's name has changed, he or she must bring a copy of the document showing the name change.

Other documents may be presented if they are permitted by REAL ID.

(REGIONAL SITES) The department shall be the exclusive issuer of licenses and identification cards, which shall be processed at physical secure regional service centers throughout the state as determined by the director.

Section 12 (ELECTRONIC RENEWAL) amends §60-484.01 to allow the department to conduct electronic or mail renewal. A person who is out of the state at the time of renewal can be issued a new license if a digital image is on file and there has been no status change in any filed documents. The holder of a temporary license must renew in person.

Section 13 (LAWFUL STATUS) requires an applicant to prove lawful status in the country. Anyone who proves temporary lawful status shall only have the license issued for the period of time of the applicant's authorized stay, but no longer than one year in any event. A notation that the license is temporary shall be denoted on the face of the card.

A renewal of the temporary license requires evidence that the lawful status has been extended by DHS.

Section 14 (DOCUMENT VERIFICATION) requires the department to verify each document required under REAL ID with the issuing agency.

Section 19 amends §60-4,113 by authorizing the director to appoint personnel to examine all applicants for each regional service center. Department personnel shall conduct all examinations.

Upon payment of the appropriate fees and surcharges, the department shall issue a receipt with driving privileges, for up to thirty days, and deliver a license to the address provided by the applicant.

Section 21 amends § 60-4,115 by rounding all fees involved with license and identification card issuance to the nearest dollar amount. All fees shall be remitted to the State Treasurer, who shall appropriate to the correct funds.

The department may accept credit cards, electronic fund transfers, or any other funds transfer as payment.

(FEDERAL SECURITY SURCHARGE) The department may collect a federal identity security requirement surcharge to cover the cost of complying with REAL ID. The surcharge shall be determined by the director, but will not exceed \$35.00. The surcharge will be remitted to the DMV Cash Fund.

Section 22 amends § 60-4,117 to require the department to collect the fee and surcharge, issue a receipt, and deliver the license to the applicant. The license must contain the following information on its face: name and principal residential address, a physical description, date of birth, signature, class of motor vehicle authorized to operate, issue and expiration dates, organ and tissue donation information, a unique license number, encoded machine-readable information (bar code), and such other facts as the director determines.

Machine readable information is not limited to the information appearing on the face of the license.

Section 25 amends § 60-4,119 to require all licenses to include a color digital image. The director shall enter into a contract to provide the necessary equipment for the issuance of the licenses. All costs incurred by the department shall be paid by the state out of appropriations made to the department. The cost of taking the digital images shall be paid by the issuer from the license fees and surcharges.

A license issued to a minor is required to be of a distinct designation from the license of a person who is not a minor.

(CENTRAL ISSUANCE) The department may provide for the central production and issuance of licenses, which shall take place at a secure facility. The licenses shall be designed to discourage fraud, identity theft, forgery, and counterfeiting of the licenses. Delivery of the licenses shall be made to the mailing address provided by the applicant.

Section 26 amends § 60-4,120 to require a person who has changed his or her name to apply for a new license and furnish proof of the name change. If any person changes his or her address, the person shall apply for a new license and furnish proof of such change. The application shall be made within sixty days after the change of name or address.

Section 28 amends § 60-4,121 to require military residents on active duty who come to renew their license to furnish documentation in accordance with the new standards.

Section 32 amends § 60-4,126 to include farm permits as part of the digital system and allows them to be issued or renewed electronically.

Section 36 amends § 60-4,144 to require commercial driver license applicants to furnish documentation in accordance with the new standards.

Section 45 amends § 60-4,181 to require state identification card applicants to furnish documentation in accordance with the new standards.

Machine readable information encoded on the card is not limited to information appearing on the face of the card.

Explanation of amendments, if any:

The committee amendment, AM 1971, strikes the original sections and becomes the bill.

Section 2 maintains the Legislature's intent that the DMV shall develop licenses that protect the identity of the holders and reduce identity theft, fraud, forgery, and counterfeiting. The director shall designate an implementation date for such processes on or before April 1, 2009.

Section 4 provides a definition of Department to mean the DMV.

Section 5 provides a definition of full legal name to mean first, middle, and last name with no initials or nicknames.

Section 6 provides a definition of principal residence to mean the address in Nebraska where a person lives at the time of application.

Section 8 requires all persons handling source documents or engaged in the issuance of licenses to have periodic fraudulent document recognition training.

Section 9 amends § 60-484 to require an applicant to provide his or her full legal name and two forms of proof of address of his or her principal residence. The section also allows the department to accept other documents as designated by the director.

Section 10 amends § 60-4,116 to authorize the department to provide for the central production and issuance of licenses, which shall take place at a secure facility. The licenses shall be designed to discourage fraud, identity theft, forgery, and counterfeiting of the licenses. Delivery of the licenses shall be made to the mailing address provided by the applicant.

Section 11 amends § 60-4,115 by rounding all fees involved with license and identification card issuance to the nearest dollar amount.

In addition, the department may collect an identity security surcharge to cover the cost of technology and security practices. The surcharge shall be determined by the department, but will not exceed \$8.00. The surcharge will be remitted to the DMV Cash Fund.

Section 12 amends § 60-4,117 to allow the county treasurer to collect the license fee and surcharge and to issue a receipt with driving privileges for up to thirty days.

In addition, the license shall contain the individual's full legal name and principal residential address, as well as full facial digital image. The amendment also specifically outlines what is contained in the machine-readable information.

Section 13 amends § 60-4,118.05 to strike the requirement that a person under eighteen surrender his or her provisional operator's permit to the examiner before being issued a Class O license.

The amendment also gives the department discretion on whether to waive the written examination and driving test.

Section 14 amends § 60-4,120.01 to include a LPE-learner's permit or SCP-school permit as a valid permit to be held for a six month period before a person can receive a provisional operator's permit when they turn sixteen.

The section also gives discretion to the department on whether to waive the written examination and driving test.

Section 15 amends § 60-4,122 to give the department discretion on whether to waive a demonstration of a person's knowledge of the motor vehicle laws when renewing a license.

In addition, a renewal of a state identification card must be done in person at least once every ten years to have a new digital image taken.

Senator Deb Fischer, Chairperson