

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 513, As Amended, As Amended in the Senate

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE FEDERAL REAL ID ACT OF 2005; AMENDING SECTION 40-322, IDAHO CODE, TO REVISE PROVISIONS REGARDING A DIRECTIVE ON IMPLEMENTATION OF THE FEDERAL REAL ID ACT OF 2005.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 40-322, Idaho Code, be, and the same is hereby amended to read as follows:

40-322. DIRECTIVE ON IMPLEMENTATION OF THE FEDERAL REAL ID ACT OF 2005. (1) The legislature finds that the enactment into law by the U.S. congress of the REAL ID act of 2005, as part of public law 109-13, ~~is inimical to the security and well-being of the people of Idaho, will cause unneeded expense and inconvenience to those people and~~ was adopted by the U.S. congress in violation of the principles of federalism contained in the 10th amendment to the constitution of the United States. The legislature reaffirms this position, while acknowledging that failure to implement certain provisions could adversely affect Idaho's citizens and businesses. Furthermore, it is the intent of the legislature to continue to protect the privacy and security of the state's residents.

(2) The legislature hereby declares that the state of Idaho shall ~~not participate in the implementation of the REAL ID act of 2005, except to submit:~~

(a) Meet the requirements for driver's licenses and identification cards, as described in Title II of the REAL ID act of 2005, as such requirements existed on January 1, 2016;

(b) Not comply with any additional requirements enacted after January 1, 2016, without the express statutory approval of the Idaho state legislature;

(c) Submit compliance extension requests and status reports for the purposes outlined in paragraph (a) of this subsection to the United States department of homeland security. The Idaho transportation board and the Idaho transportation department, including the motor vehicles division of the Idaho transportation department are directed not to implement the provisions of the REAL ID act of 2005, except to submit compliance extension requests and status reports to the United States department of homeland security.

(3) ~~Nothing in t~~This act shall prevent be construed as to allow the Idaho transportation board and the Idaho transportation department ~~from taking to take~~ reasonable and necessary steps to enhance the security of Idaho state driver's licenses and identification cards to ensure their acceptance for commercial airline travel within the United States.

(4) Beginning January 1, 2016, the department shall report to the senate transportation committee and the house of representatives trans-

1 portation and defense committee on the acceptance of compliance extension
2 requests and status reports to the United States department of homeland se-
3 curity, as set forth in subsection (2) of this section. Such report shall be
4 submitted concurrently with the department's report on progress the depart-
5 ment is making toward upgrading and implementing the division of motor vehi-
6 cles' automated system. Such report shall be submitted no later than January
7 1 of each year through 2020, unless extended or revoked by the legislature.