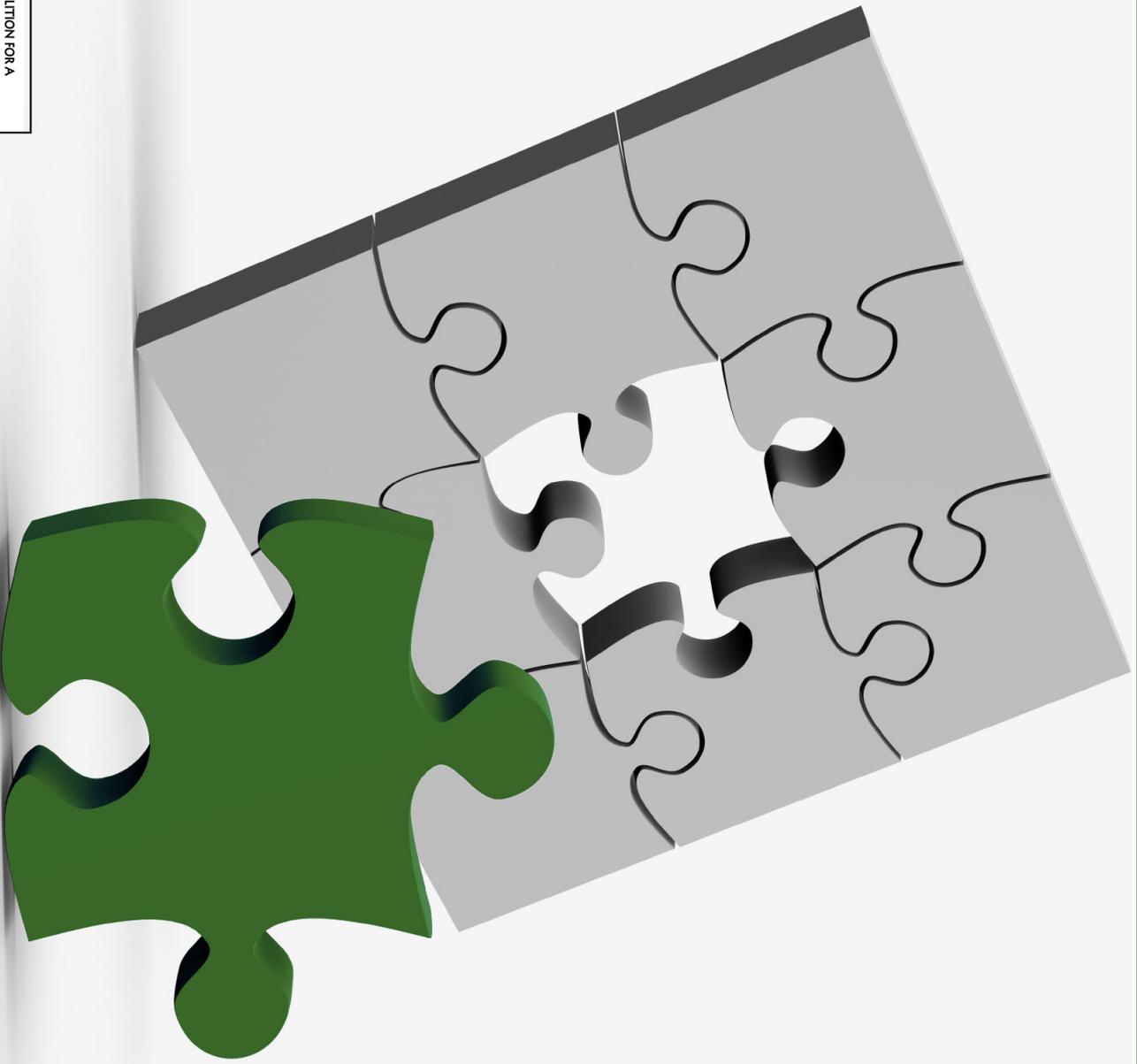


# United States Department of Homeland Security Regulatory Compliance Requirements for PL 109-13 (the “REAL ID Act of 2005”), in abbreviated form:

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Information contained herein is drawn from public documents from states that are pursuing full compliance with Public Law 109-13 regulations. The following 39 benchmarks may differ slightly from other state or Department of Homeland Security assessments based on language used and whether that state combined certain benchmarks as a single benchmark. While every attempt has been made for this information to be accurate, CSDL does not accept liability for error of fact or opinion.

## About the Coalition for a Secure Driver's License

The Coalition for a Secure Driver's License (CSDL) is a 501 (c)(3) non-partisan, not for profit, crime prevention education charity, supported by donor contributions from across the United States.

Our slogan, "Working to protect the identity of every American" embodies our commitment to higher standards for both government and private entities that issue identity credentials, especially state agencies that issue driver's licenses and ID cards.

CSDL undertakes research projects addressing best practices for DMVs, compliance with federal laws and regulations, identity fraud prevention and related identity management topics. CSDL provides research results and educational programs to the public and to state and federal officials.

This paper, in its entirety, can be found at [www.secure-license.org/whitepapers](http://www.secure-license.org/whitepapers)

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Benchmarks 1 through 18, also known as the 18 Interim Benchmarks of PL 109-13 regulations, had a deadline of May 11, 2011 for driver's licenses and IDs to be accepted for federal purposes. That deadline was delayed by Department of Homeland Security Secretary Janet Napolitano under authority stipulated in the law to January 15, 2013 for full compliance with PL 109-13 regulations.

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
1	§37.11(a)	Subject each applicant to a mandatory facial image capture and retain such image even if a driver license (DL) or identification card (ID) is not issued.	DMVs are to take a digital photograph of every driver’s license or ID card applicant as the first step of the process before paperwork is adjudicated or tests administered. The DMV will store the applicant’s photo in their records, even if the applicant fails the required exam or provides inadequate paperwork. This procedural change helps the DMV to identify imposters and frauds and stores a photo of would be fraudsters, should the state choose to take subsequent legal action.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
2	§37.11(b)	Require each applicant sign a declaration under penalty of perjury that the information presented is true and correct and the State must retain this declaration.	Applicant signs a declaration that enables perjury charges to be pressed if the information is found to be fraudulent. The statement and signature can be easily stored digitally. This notifies the applicant explicitly that honesty and accuracy of identity information provided is a legal prerequisite.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
3	§37.11(c)(1)	Require an individual to present at least one of the source documents listed in subsections (i) through (x) when establishing identity.	Reduces the types of documents acceptable for proving an identity. Applicants will need to show one of these documents in order to receive a DL or ID and other documents will not be accepted. Identity is more than name and date of birth. It is a means by which to link the name and date of birth to the specific applicant standing at the counter. It is prudent to require an additional reliable document with a photo to prove identity, which links the applicant to the proof of identity documents.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
4	§37.11(d)-(g)	Require documentation of date of birth, social security number, address of principal residence, evidence of lawful status.	Applicants will bring additional documents to be checked by DMV employees to prove these claims. In particular, proof of their residence in the state and proof of lawful presence in the United States are very important. Additionally, most documents that applicants present to prove residency are very easily counterfeited using a home computer (apt. lease, public service bill, etc.) and many are in names that do not match the applicant (lives with a friend or relative with a different last name, etc.).	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
5	§37.11(h)	Have a documented exceptions process that meets the requirements established in 37.11(h)(1)-(3) -(if States choose to have such a process).	A state may choose to establish procedures for applicants who cannot produce the required documents. They should make a reasonable effort to check the authenticity of alternate documents presented. It is prudent to have exceptions processing managed by other than front line staff (supervisors or investigators).	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
6	§37.13(a)	Make reasonable efforts to ensure that the applicant does not have more than one DL or ID already issued by that State under a different identity.	In more than thirty states, biographical information is checked to see if there are an unusual number of driver's licenses with the same DOB, address, or similar names. Roughly twenty five states now use facial recognition software to compare the digital photo of the applicant to other photos in the DMV records. The American Association of Motor Vehicle Administrators (AAMVA) offers a "Digital Image Exchange" that allows states to confirm applicants' appearance on a name match basis.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
7	§37.13(b)(1)	Verify lawful status through SAVE or another method approved by DHS.	Use automated data verification systems, such as Systematic Alien Verification for Entitlements (SAVE) to check that applicants' immigration documents are valid proof that they are legally present in the United States. Data is verified with the U.S. Citizenship and Immigration Services (USCIS) records.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
8	§37.13(b)(2)	Verify Social Security account numbers with the Social Security Administration or another method approved by DHS.	Verify Social Security account numbers with the Social Security Administration or another method approved by DHS.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
9	§37.15(b)	Issue DLs and IDs that contain Level 1, 2 and 3 integrated security features.	Include actual security features on the driver's license. Level 1 is visible to the naked eye (holograms, picture, etc). Level 2 is invisible to the naked eye without assistance (under a black light). Level 3 is called "forensic" and cannot be seen, but can be read by a machine (bar code included in most licenses).	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
10	§37.17(a)-(l)	Surface of cards include the following printed information in Latin alpha-numeric characters: full legal name; date of birth; gender; unique DL/ID number; full facial digital photograph; address of principal residence (with exceptions); signature (with exceptions); date of transaction; expiration date; state or territory of issuance.	All the items below need to be visible on the DL/ID. The information should already be stored in the state or DMV records and thus be available. Reformatting of DL/ID would be required in order to add fields. With many states moving to immediate accident reporting and citation issuance via computerized incident reporting by police, the information on the back of the card is also useful in quick and accurate data capture for the officer on the street.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
11	§37.17(n)	Commit to marking fully compliant DLs and IDs with a DHS-approved security marking.	Add an approved marking to the DL/ID once they are completely compliant with Public Law 109-13. The marking can be included in the formatting of the issued DL/ID .	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
12	§37.21	Issue temporary or limited-term driver's licenses and ID cards to all individuals with temporary lawful status and tie license validity to the end of lawful status.	Issue temporary or limited-term licenses to all individuals with temporary lawful status and tie license validity to the end of lawful status.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
13	§37.41	Have a documented security plan for DMV operations in accordance with the requirements set forth in §37.41.	<p>Create a security plan addressing the following:</p> <ul style="list-style-type: none"> <li>Physical security for facilities and card storage areas</li> <li>Security for all personally identifiable information. This includes safeguarding information, creating a privacy policy, and maintaining confidentiality of records.</li> <li>Access control at DMV locations and limiting who has access to information.</li> <li>Performing background checks on employees.</li> <li>Employee training regarding security and fraudulent documents.</li> <li>Incident response plan.</li> <li>Internal audit controls.</li> </ul>	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
14	§37.41(b)(2)	Have protections in place to ensure the security of personally identifiable information.	<p>Implement the security plan to protect applicants' personal data and to limit who has access to the information stored in records. Create and abide by a privacy policy outlined in the security plan.</p>	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
15	§37.41(b)(5)(i)-(ii)	Require all employees handling source documents or issuing DLs or IDs to attend and complete the AAMVA approved (or equivalent) fraudulent document recognition training and security awareness training.	<p>Require training for employees covering fraudulent documents and security awareness. Have periodic retraining to help maintain knowledge. Training would be repeated at regular intervals. Fraud awareness training would also be included to ensure that employees know that reporting their counterparts who are committing fraud is both appropriate and expected.</p>	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
16	§37.45	Conduct name-based and fingerprint-based criminal history and employment eligibility checks on employees in covered positions or an alternative procedure approved by DHS.	Requires the state agency to examine possible criminal history as well as employment history before hiring occurs. States are also required to order credit and background reviews of current employees. A significant number of large scale identity fraud cases involving driver's licenses have occurred because of collusion or active involvement of driver's license agency personnel.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
17	§ 37.51(b)	Commit to be in full compliance with Subparts A through D on or before January 15, 2013.	The states are to ascertain that they are in material compliance with the complete federal regulations, noting the exceptions allowed by law, or have applied for and been granted a further extension to meet such compliance.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
18	§ 37.71(a)(1)	Clearly state on the face of non-compliant DLs or IDs that the card is not acceptable for official purposes, except for licenses renewed or reissued under §37.27.	Certain states have committed to a “two-tier” or “multi-tier” approach. In a two-tier approach, the state will issue REAL ID compliant cards only on a request basis, where the applicants pay a higher fee and voluntarily request a driver’s license with stronger security requirements. A multi-tier system would include states that issue “certificates of driving” or other kinds of identity documents for which limited identity adjudication occurs and/or where identity documents known to be unreliable are accepted by the state DMV.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
19	§ 37.5(a)	Issue REAL ID DL/ID cards valid for a period not to exceed eight years.	This requirement limits identity fraud by requiring the state to periodically review the source identity confirmation information in order to prevent someone from assuming the identity specifics of another person who has died or left the state. For example, Arizona issues driver’s licenses valid for fifty years, which provides many years of opportunity for identity thieves to maintain a false identity without discovery. This requirement limits the time that a DL/ID card which was altered or fraudulently renewed by an imposter is “valid”.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
20	§ 37.11(i)	Take sufficient steps in issuing REAL ID DL/ID cards to safeguard the identities of persons identified in §37.11(i): "programs that require special licensing or identification to safeguard persons or in support of their other official duties." Primarily, these are battered women, witness protection clients, and undercover law enforcement.	Because the central purpose of the regulations are to allow security personnel to verify that a person is who they claim to be, a REAL ID compliant card issued to a person living under a "cover" name requires special handling within the states' driver's license information system. It also means the "true" identities and source documents of these people must be safeguarded from internal compromise to agency personnel.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
21	§ 37.13(b)(3)	Verify birth certificates.	A birth certificate is a vital indicator of identity. Because there are more than 6,000 different entities which have issued over 14,000 different types of birth certificates within the past 80 years, counterfeiting the document is relatively easy. Because states have been active in digitizing old vital statistics records, new systems have come available that enable states to verify data on birth certificates with faster, easier methods. Training in fraudulent document recognition also improves the ability of processing personnel to verify authenticity.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
22	§37.13(b)	Verify a U. S. passport, Consular Report of Birth Abroad, and U. S. Visa with accompanying valid I-94.	<p>For years, stolen passports with altered photos, especially old passports without security features, have been used by imposters to obtain valid driver's licenses. Verification of these documents by driver's license agencies includes two interrelated procedures: (1) inspection to see <u>if the document is genuine and has not been altered</u>, and (2) checking to see that <u>the identity data on the document is valid</u>. Verification is necessary because of the millions of lost and stolen U.S. passports, and the "resellers" market in the underground economy where valid U.S. visas issued to foreign workers are "resold" by to illegal aliens and criminals. The SAVE system is currently used (2011) by 44 states to confirm that the DATA (2nd type of verification) on a U.S. visa is accurate. A passport data verification system provided by the U.S. State Department is being evaluated by one state as a pilot, and should be available to all states at very low cost in 2012. Fraudulent document training is the most common approach used by driver's license agencies for verifying authenticity of documents.</p>	<p> <input type="checkbox"/> Compliant  <input type="checkbox"/> Partially Compliant  <input type="checkbox"/> Non-Compliant                 </p> <hr/> <p>Compliance Date or Expected Compliance Date</p>

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
23	§37.13(b)(5)	Verify REAL ID driver's licenses and identification cards with the State of issuance.	This is the <b>key requirement to prevent terrorists and criminals from obtaining multiple licenses in multiple states</b> in order to deceive security personnel and watch list systems as to who they "really" are. The nineteen 9/11 terrorists possessed over 60 identity documents, of which more than thirty were driver's licenses / IDs issued by state agencies. At present, this is done with a phone call or a fax inquiry, but only for a very small percentage of applicants. A group of states, using federal grant money, is undertaking to assemble a set of specifications for a "state to state" system that will use existing communications lines so this can be done automatically at low cost per transaction. This process already takes place for commercial driver's license (CDL) holders, as the number and state of issuance in the federally sponsored Commercial Driver's Information System (CDLIS).	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
24	§37.15(a)(1)	Include document security features on REAL ID DL/ID cards that are not capable of being reproduced using technologies that are commonly used and made available to the general public.	Counterfeiters are constantly gaining new capabilities to forge identity documents. State agencies should use existing advanced technologies to upgrade the physical security features of the documents in order to stay ahead of such criminal enterprises.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
25	§37.15(d)	Conduct a review and submit a report to DHS on card design and the ability of the card to resist forgery and counterfeiting.	This requirement addresses the very large problem of counterfeit driver's licenses, as well as alteration of information on the face of the card. This requirement aligns with minimum card design security standards promulgated by the American Association of Motor Vehicle Administrators (AAMVA).	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
26	§37.19(a)-(j) 37.21(e)	Include all of the information on the face of the card in the PDF-417 Machine Readable Zone of the card and, in addition, the card design revision date, the inventory control number, and an indication that the license is temporary, or limited term.	This requirement is to facilitate the automated reading of biographical and description data by law enforcement officers using sophisticated card scanning equipment. The purpose for requiring the card design revision date and temporary term information be included on the Machine Readable Zone (MRZ) is to identify expired cards that may have been altered on the face of the card. The inventory control number information can be matched with a similar number in the state's central records to determine if the license is a sophisticated counterfeit.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
27	§37.21	Prior to renewing temporary or limited-term driver's licenses or identification cards issued to foreign visitors or guest workers, require applicants to present valid documentary evidence that their qualification is still in effect or that they have qualified for another lawful status and verify information presented through SAVE or another method approved by DHS.	<p>This requirement is to mitigate the opportunity for terrorists or others to overstay visas or manipulate identity information to conceal immigration violations.</p> <p><u>From the 9/11 Commission Staff Statement, Page 9: <b>Considered collectively, the 9/11 hijackers:</b></u></p> <ul style="list-style-type: none"> <li>• <b>Presented passports "manipulated in a fraudulent manner";</b></li> <li>• <b>Presented passports with "suspicious indicators" of extremism;</b></li> <li>• <b>Made detectable false statements on their visa applications;</b></li> <li>• <b>Made false statements to border officials to gain entry to the United States; and</b></li> <li>• <b>Violated immigration laws while inside the United States.</b></li> </ul>	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
28	§ 37.23(a)	Have a procedure in place to verify an applicant's identity each time a REAL ID DL/ID card is reissued.	<p>This requirement is intended to "tighten up" renewal procedures for compliant cards to ensure that the reissue is made to the bona fide person who obtained the original driver's license / ID card.</p> <p>A major method for imposters to obtain valid driver's licenses in someone else's name is by fraudulently renewing a valid driver's license belonging to the victim.</p>	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
29	§ 37.23(b)	Conduct remote re-issuance, if permitted, in accordance with §37.13 verification procedures (excluding re-issuance of duplicate cards).	<p>This requirement requires that the state check with other states and follow similar procedures as Benchmark 23 (above) when allowing applications for renewed driver's licenses via internet forms or by telephone.</p>	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
30	§ 37.23(c)	Require in person re-issuance when there is any material change in personally identifiable information since prior issuance, as defined in §37.03. Such information shall be verified as specified in §37.13.	The remote issuance process for driver's licenses and ID cards is highly vulnerable to fraud. Requiring in person re-issuance for information changes mitigates that risk (Also see Benchmark 23 above).	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
31	§ 37.25(a)(1)-(3)	Prior to renewing a REAL ID DL/ID card, the State will take an updated photograph of all holder's of REAL ID driver's licenses and identification cards no less frequently than every sixteen years and will re-verify applicant's social security number and lawful status, as well as information it was unable to verify at previous issuances or renewals because systems or processes did not exist.	People's faces change over time, sometimes dramatically due to cosmetic surgery, age, accident or disease, so the 16 year maximum established for a complete refresh of image and biographical information is not unreasonable. There is a growing problem of people using stolen information, sometimes including stolen or discarded old driver's licenses, and using them to obtain a license in another state. This requirement addresses the problem "in the future" when there is a state-to-state information system that makes it easy and low cost to verify the authenticity of another state's source identity records.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
32	§ 37.25(b)(1)-(2)	If remote REAL ID renewals are permitted, the State must re-verify the applicant's information through SAVE and SSOLV (or other methods approved by DHS) and prohibit the remote renewal of REAL ID DL/ID cards when there is a material change in personally identifiable information, as defined by §37.03.	The expression "remote REAL ID renewals" means people renewing their driver's licenses via internet or telephone administrative processes. The risk in any renewal without human contact is that the renewal may be undertaken by an imposter, and the driver's license information updated in a way that assists the imposter's anonymity. In order to comply, the state must limit remote renewals when there is a name change, a gender change, a Social Security Number change, or certain other biographical information. Change of address is specifically defined by the regulations as NOT a material change.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
33	§ 37.29	Not permit an individual to hold more than one REAL ID document and no more than one DL. Prior to issuing a REAL ID driver's license, query other States to determine if applicant has been already issued a driver's license or REAL ID identification card. Confirm that the other card has been, or is being terminated. Prior to issuing a REAL ID identification card, query other States to determine if applicant has already been issued a REAL ID DL/ID. Confirm that the other card has been, or is being terminated.	<p>A central purpose of the REAL ID Act was to prevent terrorists from possessing multiple driver's licenses from multiple states. To comply, the state must have procedures in place to contact other states where the applicant has lived to confirm that any valid driver's licenses that remain recorded as issued to the applicant are terminated.</p> <p>Currently this process can be accomplished by the states through a primarily manual notification process, but at a future date it should become an automated feature of an existing system shared by the states (AAMVANET).</p>	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
34	§ 37.31(a)(1)-(3)	Retain copies of the application, declaration and source documents. Paper copies and microfiche must be retained for seven years. Digital images must be retained for a minimum of ten years.	The purpose of this requirement is to retain biographical information, including the key proofs of identity that were used by the applicant. There are three purposes for this requirement: (1) to track terrorists should attacks occur in the future (microfiche & computer image records kept by the Florida DMV and California DMV were critical in the post 9/11 investigations); (2) to provide information for investigators to resolve identity conflicts when two or more people claim the same identity (in one example, 126 people were issued driver's licenses with the same name and Social Security Number over a period of years); (3) to provide evidence for law enforcement when investigators have determined there is a basis for criminal prosecution.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
35	§ 37.31(b)(1)-(3)	If digital imaging is used to retain source documents, the State will store photo images in a JPEG compatible format; store document and signature images that are compressed in Tagged Image Format (TIF) or comparable standard; and require that all images are retrievable by the DMV if properly requested by law enforcement.	This requirement specification reiterates the industry standards regarding JPEG and TIF images. The more important requirement is for retrievable images when requested by law enforcement. This benchmark was set based on the actual investigation of the 9/11 attacks, as the Florida DMV's system had the capability to recover source documents for 13 of the terrorists, which allowed the state and federal investigative team to undertake local inquiries and track their movements within the U.S..	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
36	§ 37.33(a)-(b)	Maintain a DMV database containing, at a minimum, items identified in §37.33(a)(1)-(4).	§37.33(a)(1)-(4) requires States maintain a database that contains, at a minimum, (1) All data field printed on driver's licenses and identification cards issued by the State, individual serial numbers of the card, and SSN; (2) A record of the full legal name and recorded name established under §37.11(c)(2) as applicable, without truncation; (3) All additional data field included in the MRZ but not printed on the driver's license or identification card; and (4) Motor vehicle driver's histories, including motor vehicle violations, suspensions, and points on driver's licenses. The primary IT upgrade required by many states is for the full legal name and the recorded name, <u>without truncation</u> . To reflect today's ethnic mix, the full legal name character fields need to be extended from a traditional maximum of around 80 characters for first, middle, last names. DHS has informally endorsed a related name standard incorporated in Dept of Transportation standards for CDLIS modernization which sets a minimum of 115 characters for those 3 name fields.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
37	§ 37.41(b)(4)	Implement documented procedures for controlling access to facilities and systems involved in the enrollment, manufacture, production and issuance of DL/IDs.	This important requirement addresses the need to secure the production of driver's licenses from misbehavior by employees of the licensing agency and/or contractors. Each year there are numerous cases of employees obtaining access to driver's license production equipment in order to "sell" driver's licenses to persons who are willing to pay thousands for fraudulently produced driver's licenses. In almost every instance, the "customers" for these licenses obtain them for purposes of identification used for criminal purposes. To comply, states must employ <u>access control security methods</u> found routinely in industry.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

### 39 Benchmark Requirements of Public Law 109-13 (REAL ID) Regulations

#	6 CFR Section #:	Benchmark	Benchmark Explanation	Current Status
38	§ 37.43	Ensure the physical security of locations where driver's licenses and identification cards are manufactured or produced and the security of document materials and papers of which such cards are produced.	This requirement addresses the problem of thieves breaking into local offices to steal driver's license printers & production equipment. DHS produced a guide for the states to explain in detail how to "harden" the facilities where driver's licenses are produced, and to how to inventory & safeguard material and ink stocks. More than a dozen states have established central issuance license production to reduce the costs and complexity of securing "local" driver's license enrollment offices.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date
39	§ 37.55	Submit Final Certification package, to include the following: full compliance certification checklist; attorney general letter; certification by highest level executive official in state overseeing DMV; description of states exceptions process per §37.11(h); wavier process (per §37.45(b)(1)(v)); state security plan (per §37.41).	Self descriptive requirement to request certification from the Department of Homeland Security that the regulatory requirements have been met within allowed tolerances.	<input type="checkbox"/> Compliant <input type="checkbox"/> Partially Compliant <input type="checkbox"/> Non-Compliant <hr/> Compliance Date or Expected Compliance Date

# Appendix A.

## Definitions

**Covered employee** means Department of Motor Vehicle (DMV) employees or DMV contractors who are involved in the manufacture or production of driver's licenses and identification cards, or who have the ability to affect the identity information that appears on the driver's license or identification card.

**Digital photograph** means a digital image of the face of the holder of the license or identification card.

**Full legal name** means an individual's first name, middle name(s), and last name or surname, without use of initials or nicknames.

**IAFIS** means the Integrated Automated Fingerprint Identification System, a national fingerprint and criminal history system maintained by the FBI that provides automated fingerprint search capabilities

**Lawful status** As defined by the REAL ID Act, a person in lawful status: is a citizen or national of the United States; is an alien lawfully admitted for permanent or temporary residence in the United States; has conditional permanent resident status in the United States; has an approved application for asylum in the United States or has entered into the United States in refugee status; has a valid nonimmigrant status in the United States; has a pending application for asylum in the United States; has a pending or approved application for temporary protected status (TPS) in the United States; has approved deferred action status; or has a pending application for lawful permanent residence (LPR) or conditional permanent resident status. This definition does not affect other definitions or requirements that may be contained in the Immigration and Nationality Act.

**Principal residence** means the location where a person is currently domiciled (i.e., presently resides even if at a temporary address) in conformance with the residency requirements of the State of domicile, if such requirements exist.

**SAVE** means the DHS Systematic Alien Verification for Entitlements system, or such successor or alternate verification system at the Secretary's discretion.

**Temporary lawful status** A person in temporary lawful status is a person who: has a valid nonimmigrant status in the United States; has a pending application for asylum in the United States; has a pending or approved application for temporary protected status (TPS) in the United States; has approved deferred action status; or has a pending application for LPR or conditional permanent resident status.

**Verify** means procedures to ensure that: (1) the source document is genuine and has not been altered (i.e., "document authentication"); and (2) the identity data contained on the document is valid ("data verification").