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January 12, 2006

Representative Greg Curtis  
House of Representatives  
W030 State Capitol Complex  
Salt Lake City, UT 84114

Re: Real ID Act

Dear Representative Curtis,

I am writing on behalf of the American Civil Liberties Union of Utah to express our concerns regarding the implementation of the federal Real ID Act, and to urge you to introduce a state resolution calling on Congress to amend the law.

As I am sure you are aware, last May, President Bush signed into law the “Real ID Act of 2005,” which, among other things, imposes federal regulations on the design, issuance, and management of state driver’s licenses. Real ID was attached to a much larger appropriations bill that funded both tsunami relief and the war in Iraq, and, despite its complexity, it was passed without any hearings or real consideration for its consequences.

The ACLU opposes Real ID, in part because we believe it is a de facto national identification card that has the potential to pose serious privacy concerns. A broad cross section of community organizations, as well as the National Governors Association and the National Conference of State Legislatures, also opposes the Act.

Newly obtained documents reveal that state officials throughout the United States are also concerned about Real ID. Specifically, they worry that Real ID will require extensive changes to existing practices at motor vehicle divisions, that it will be extremely difficult to implement by the Act’s deadline, and that it will carry heavy expenses that will have to be absorbed by state taxpayers and license applicants.

The documents are part of a national survey of state motor vehicle officials that was conducted by the American Association of Motor Vehicle Administrators (AAMVA). Enclosed is Utah’s response to the AAMVA survey. Of particular note are the following provisions:

- Real ID requires that driver’s licenses contain a person’s full legal name, and the AAMVA recommends that state license systems devote at least 126 characters to record this information. To meet this requirement, Utah will need to program its

system to allow for additional characters and redesign its card formats. 57 percent of the states who responded to the AAMVA survey believed that the full legal name requirement would be difficult or very difficult to implement, and states that have estimated the cost to make this change have put the number in the millions. For example, North Dakota ascribed \$4 million of its total estimated \$5.9 million in costs for implementing Real ID to fixing this problem alone.

- Real ID requires that all source documents that are the basis for a license be verified with their issuing agency for “issuance, validity and completeness.” Like many states, Utah will need to develop applications to verify these documents. Currently, there is no national database for birth certificates or primary addresses, and, since the verification process cannot be done electronically, it will have to be done manually by calling each issuing agency for every document. Washington State has estimated that it will cost the state approximately \$20 million annually to hire additional personnel to verify documents manually.
- Real ID requires that all source documents be scanned electronically. Utah indicated that while there is an optical imaging system at its central facility, it will need to equip each office with this system and expand the system’s capabilities. In addition, it is not yet clear whether Real ID requires the facial image capture of all *applicants* for a driver’s license or just license holders. If the former is the case, states will need to develop a database of all pending and failed applicants, and hire additional personnel to record images and maintain the database.
- Real ID requires that states retain paper copies of source documents for 10 years. In its survey response, Utah stated that it does not currently retain copies, and that it will need additional staff at each office to make copies or capture images of these documents. In general, respondents to the AAMVA survey were concerned not only about the cost of new equipment for scanning and storing source documents, but that the effects of this requirement will ripple throughout the entire driver’s license system. Kentucky expressed this concern very well: “KY has over 150 locations that would need this technology ... Process could require up to additional 300 people to handle additional workload. Offices would need estimated 300 scanners and a central server to house the documents. The additional equipment and people will create space problem that will lead to requests for additional office space ... .”
- Like other states, Utah has questions regarding the requirement that it must provide all other states electronic access to information contained in the motor vehicle database. No state that answered the AAMVA survey seemed to believe it is possible to directly link with all other state driver’s license databases. The DRIVERS program, which was proposed under the 1998 Transportation Bill, was ultimately shelved due to the high cost of implementation. A current, much smaller, database of commercial licenses containing approximately 5 percent of all drivers in the United States costs an impressive \$11 million annually to maintain.

The Real ID Act has enormous consequences, and it demands careful deliberation by Congress, a Congressional committee hearing, and an up-or-down vote solely on its own

merits, none of which happened last May. Because the law has not yet been implemented, there is still time for Congress to revisit Real ID.

Local governments are beginning to register their concerns about the Act. In December, for example, the New York City Council passed a resolution urging the New York State Legislature to opt out of Real ID. We ask that you take a similar step at the state level, and introduce a resolution that describes the problems with Real ID and asks Congress to amend the Act.

Additional information about our concerns, as well as other states' responses to the AAMVA survey, is available at [www.realnightmare.org](http://www.realnightmare.org). Please contact me directly at (801) 521-9862 ext 102 if you have any questions about this letter. Thank you for your consideration.

Sincerely,

Dani Eyer  
*Executive Director*