

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2700

03/08/2016 Authored by Smith

The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

1.1 A bill for an act
1.2 relating to driver's licenses; governing planning and implementation of the
1.3 REAL ID Act; requiring legislative reporting; repealing Laws 2009, chapter
1.4 92, section 1.
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **REAL ID ACT.**

1.7 (a) The commissioner of public safety must perform planning activities related to
1.8 implementation and compliance with the requirements of the REAL ID Act of 2005,
1.9 Public Law 109-13, Division B, including activities necessary to begin issuing REAL
1.10 ID-compliant driver's licenses and Minnesota identification cards no later than October 1,
1.11 2016, or a different date authorized by legislation enacted subsequent to this act.

1.12 (b) By March 31, 2016, the commissioner of public safety must submit a report on
1.13 planning for implementation of the REAL ID Act to the chairs and ranking minority
1.14 members of the legislative committees with jurisdiction over transportation policy and
1.15 finance, public safety, civil law, and data practices, and to the Legislative Commission on
1.16 Data Practices and Personal Data Privacy. The report must be submitted as required under
1.17 Minnesota Statutes, section 3.195, except that printed copies are not required.

1.18 (c) At a minimum, the report under paragraph (b) must include:

1.19 (1) a review of planning activities and findings;

1.20 (2) a list of specific REAL ID Act provisions with which Minnesota is currently not
1.21 compliant, including associated explanatory or background information as appropriate;

1.22 (3) a summary of any administrative rulemaking anticipated as part of REAL ID
1.23 Act implementation;

(4) a copy of any draft certification documents developed under Code of Federal Regulations, title 6, section 37.55;

(5) a summary of any implementation guidance or communications provided by the United States Department of Homeland Security;

(6) an itemized estimate of costs to achieve compliance, including costs incurred by deputy registrars;

(7) a description of expected impacts resulting from REAL ID Act implementation on the security, privacy, and control of data on individuals contained in records maintained by the commissioner or any other state or local government entity, including:

(i) the categories of data that must be accessible to entities outside of Minnesota, and the purpose for which the data must be made accessible;

(ii) identification of the specific entities that will be provided access to the data and for what purpose;

(iii) the data security protocols required by federal law related to use of and access to the data; and

(iv) recommendations for legislation, if any, to minimize the exposure of Minnesotans' data to security, privacy, and control standards under the REAL ID Act that are less rigorous than the protections provided under Minnesota Statutes, chapter 13, and other applicable state laws; and

(8) any recommendations for legislative changes in conjunction with authorization to implement the REAL ID Act.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. **EXTENSION OF TIME TO COMPLY.**

The commissioner of public safety shall act as soon as possible, in coordination with the governor and legislature, to seek an extension from the United States Department of Homeland Security to meet REAL ID Act requirements, in order to allow holders of Minnesota-issued driver's licenses or identification cards to access military bases and other restricted federal facilities while the state completes full planning and implementation of the REAL ID Act.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. **OFFICIAL PURPOSE.**

(a) No holder of a Minnesota driver's license or identification card is bound by requirements of the Department of Homeland Security regarding use of this state's driver's

license for identification purposes unless that use is specifically included in the REAL ID Act of 2005, Public Law 109-13, Division B, on the effective date of this section until the requirements of paragraph (b) have been fulfilled.

(b) Any change ordered by the Department of Homeland Security in the use of the state's driver's license for identification purposes must be reviewed by a committee consisting of the majority leader of the senate or a designee; the speaker of the house or a designee; and the chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over transportation policy, transportation finance, civil law, data practices, and judiciary.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. **RULEMAKING; REAL ID ACT.**

(a) The commissioner of public safety must amend Minnesota Rules as expressly necessary to issue a REAL ID-compliant driver's license and a REAL ID-compliant Minnesota identification card that meet the requirements under the REAL ID Act of 2005, Public Law 109-13, Division B.

(b) The commissioner may use the expedited rulemaking process in Minnesota Statutes, section 14.389, as provided under subdivision 5 of that section.

(c) The authority to use the expedited rulemaking process under this section expires December 31, 2018.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. **REPEALER.**

Laws 2009, chapter 92, section 1, is repealed.

EFFECTIVE DATE. This section is effective the day following final enactment.

APPENDIX
Repealed Minnesota Session Laws: 16-6297

Laws 2009, chapter 92, section 1

Section 1. **NONCOMPLIANCE WITH REAL ID ACT.**

The commissioner of public safety is prohibited from taking any action to implement or to plan for the implementation by this state of those sections of Public Law 109-13 known as the Real ID Act.

EFFECTIVE DATE. This section is effective the day following final enactment.