

HOUSE BILL NO. HB0189

Repeal of Real ID.

Sponsored by: Representative(s) Kroeker, Burkhardt, Campbell, Davison, Hunt, Jaggi, Madden, Miller, Piiparinen, Semlek, Teeters, Wallis and Winters and Senator(s) Case, Coe, Cooper and Hicks

A BILL

for

1 AN ACT relating to the federal Real ID Act; amending
 2 Wyoming's motor vehicle statutes to remove provisions added
 3 in 2009 to comply with the federal Real ID Act; prohibiting
 4 the retention of documents as specified; requiring the
 5 destruction of specified documents; prohibiting late
 6 renewal penalties as specified; prohibiting nonoptical
 7 identification of driver's licenses; and providing for an
 8 effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 7-19-106(a)(xvi), 8-7-101,
 13 31-7-111(a), 31-7-113(f)(i), 31-7-115(a)(iii)(C), (D) and
 14 by creating a new subsection (c), 31-7-119(a) and by
 15 creating new subsections (j) and (k), 31-7-120 by creating

1 a new subsection (e), 31-8-101, 31-8-102(a)(vi) through
2 (viii) and 31-8-103(a) and (c)(ii) are amended to read:

3

4 **7-19-106. Access to, and dissemination of,**
5 **information.**

6

7 (a) Criminal history record information shall be
8 disseminated by criminal justice agencies in this state,
9 whether directly or through any intermediary, only to:

10

11 (xvi) The department of transportation for
12 purposes of dealer and wholesaler licensing and permitting
13 under title 31, chapter 16; ~~and for purposes of performing~~
14 ~~background checks required by W.S. 31-7-103(b);~~

15

16 **8-7-101. Tribal identification cards.**

17

18 An identification card issued by the governing body of the
19 Eastern Shoshone tribe of Wyoming or Northern Arapahoe
20 tribe of Wyoming that includes the requirements of W.S.
21 31-8-102(a)(i) through (vi) ~~and (ix)~~ shall be considered a
22 valid form of identification for all purposes for which an
23 identification card issued under W.S. 31-8-101 may be used.

24

1 **31-7-111. Application for license or permit**
2 **generally.**

3
4 (a) Every application for instruction permit,
5 driver's license, commercial driver's license or commercial
6 driver instruction permit shall be made upon a form
7 furnished by the division. Every application shall be
8 accompanied by the proper fee, proof of residence, and
9 proof of identity. ~~Proof of identity shall be established~~
10 ~~by a certified copy of the applicant's birth certificate,~~
11 ~~valid unexpired United States passport, consular report of~~
12 ~~birth abroad, certificate of citizenship, certificate of~~
13 ~~naturalization, permanent resident card, employment~~
14 ~~authorization document, foreign passport (with United~~
15 ~~States visa affixed and accompanied by an approved document~~
16 ~~documenting the applicant's most recent admittance to the~~
17 ~~United States), state issued driver's license or~~
18 ~~identification card which complies with federal law and~~
19 ~~applicable regulations, or other document required by the~~
20 ~~division to establish identity where reasons beyond the~~
21 ~~applicant's control prevent the applicant from presenting~~
22 ~~the documents required by this subsection~~ and if the
23 applicant has not previously been licensed in this state or
24 another jurisdiction, by a certified copy of the

1 applicant's birth certificate or a valid unexpired United
2 States passport.

3

4 **31-7-113. Fees.**

5

6 (f) Notwithstanding W.S. 31-7-115(b), any licensee on
7 active duty in the armed forces of the United States who is
8 stationed outside the state of Wyoming, or his spouse or
9 dependent child who has a valid driver's license issued
10 under this chapter, may obtain a license with an updated
11 photograph and the same expiration date of the current
12 license without payment of any fee, unless renewing under
13 W.S. 31-7-119, if:

14

15 (i) While outside the state, the person
16 surrenders the current license and submits an updated color
17 photograph certified by military officials to be a
18 photograph of the person; or

19

20 **31-7-115. Issuance, description and contents.**

21

22 (a) Upon the satisfactory completion of any required
23 examination, the division shall issue to every qualifying
24 applicant a driver's license, and:

1

2 (iii) The driver's license shall include, but
3 not be limited to, the following information:

4

5 (C) The full legal name, any identifying
6 numbers or letters deemed appropriate, date of birth,
7 ~~principal residence~~ mailing address, height, weight and sex
8 of the licensee. Unless otherwise required by federal law,
9 the social security number of the person shall not be
10 required on a driver's license;

11

12 (D) A ~~full facial digital~~ color photograph
13 of the licensee;

14

15 (c) No license issued under this section shall
16 include any marking or contain any device which allows the
17 license to be identified other than by optical means.

18

19 **31-7-119. Expiration and renewal; required tests;**
20 **extension.**

21

22 (a) Every driver's license shall expire on the
23 licensee's birthday in the fourth year following the
24 issuance of the license. Every driver's license is

1 renewable within one hundred twenty (120) days before its
2 expiration upon application, payment of the required fee
3 and satisfactory completion of the examination required or
4 authorized by subsection (b) of this section. The division
5 may renew a driver's license more than one hundred twenty
6 (120) days before its expiration if the applicant states in
7 writing that he will not be in the state during the one
8 hundred twenty (120) days before the license expires.

9
10 (j) The license extension shall be properly affixed
11 to the reverse side of the license to validate extension.

12
13 (k) No adverse action, including the expiration of a
14 driver's license or an increased fee, shall be imposed on
15 any person who fails to timely renew a driver's license due
16 to the person's inability to provide the documentation that
17 was required by W.S. 31-7-111(a) prior to July 1, 2013, as
18 indicated in a statement signed by the person.

19
20 **31-7-120. Records to be kept by division; exceptions.**

21
22 (e) The division shall not make or retain any
23 electronic or other copy of any document presented to the
24 division to prove identity under W.S. 31-7-111(a). Any

1 copy made and retained by the division on or after January
2 1, 2010 shall be destroyed by the division.

3

4 **31-8-101. Issuance to residents by department;**
5 **restrictions.**

6

7 (a) Any Wyoming resident may be issued an
8 identification card by the department of transportation.
9 The application shall state the registrant's ~~full~~-legal
10 name, ~~social security number~~, date of birth and any other
11 identifying data the department may require and shall be
12 signed and verified by the applicant. The identification
13 card shall at the applicant's request indicate that the
14 applicant is an anatomical organ donor as provided by W.S.
15 35-5-205.

16

17 (b) The department shall not issue an identification
18 card until documentary evidence of the applicant's age and
19 identity has been ~~verified using documents as provided by~~
20 ~~W.S. 31-7-111~~ received.

21

22 **31-8-102. Contents.**

23

1 (a) The identification card shall resemble a Wyoming
2 driver's license. It shall have:

3

4 (vi) The registrant's ~~full facial digital color~~
5 photograph;

6

7 (vii) The following: "State of Wyoming" -
8 "Identification Card No." - "This card is provided
9 solely for the purpose of identification of the person
10 described on the card"; and

11

12 (viii) As provided for in W.S. 31-7-139, ~~and~~

13

14 **31-8-103. Expiration; records; new cards.**

15

16 (a) Identification cards shall not expire, ~~on the~~
17 ~~registrant's birthday in the eighth year following issuance~~
18 ~~of the identification card.~~ The department shall keep
19 records of data contained in identification cards.

20

21 (c) If any information contained in the
22 identification card becomes inaccurate, or if it is desired
23 to withdraw or insert notice of anatomical organ donation,

1 the person to whom it was issued may obtain a new card
2 upon:

3

4 (ii) Furnishing ~~all~~ the same documentary
5 evidence ~~necessary to verify any material change to~~
6 ~~information listed on the~~ as for an original identification
7 card; and

8

9 **Section 2.** W.S. 7-19-201(a)(xviii), 31-7-103(b) and
10 (c), 31-7-111(b)(xi) and (g), 31-7-115(a)(iii)(J),
11 31-7-119(f)(iv), 31-8-102(a)(ix) and 31-8-103(d) are
12 repealed.

13

14 **Section 3.** The Wyoming transportation commission and
15 department of transportation shall repeal all rules and
16 regulations adopted after the 2009 general session of the
17 Wyoming legislature which were promulgated in an effort to
18 comply with the federal Real ID Act and shall promulgate
19 new rules which are similar in scope and operation to those
20 which existed prior to efforts to comply with the federal
21 Real ID Act.

22

23 **Section 4.** The Wyoming transportation commission and
24 department of transportation shall have the authority to

1 adopt, amend and repeal rules and regulations to comply
2 with the requirements of this act.

3

4 **Section 5.**

5

6 (a) Sections 1 and 2 of this act are effective July
7 1, 2013.

8

9 (b) Sections 3 and 4 of this act are effective
10 immediately upon completion of all acts necessary for a
11 bill to become law as provided by Article 4, Section 8 of
12 the Wyoming Constitution.

13

14 (END)