

Planning for Implementation of the REAL ID Act

Report to the Legislature

April 14, 2016



Submitted to the chairs and ranking minority members of the Minnesota House of Representatives and Senate having jurisdiction over transportation policy and finance, public safety, civil law, and data practices and to the Legislative Commission on Data Practices and Personal Data Privacy by the Department of Public Safety, pursuant to Minnesota Laws, 2016, chapter 83, sections 1 to 5.

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Background

REAL ID

The [REAL ID Act of 2005, Pub.L. 109-13, 119 Stat. 302](#) and [Code of Federal Regulations Title 6, Chapter 1, Part 37](#), sets the requirements for state driver licenses and identification cards to be accepted for federal purposes such as boarding an airplane for domestic travel or entering certain secure federal facilities. These requirements include setting state standards for issuance of driver licenses and identification cards. The federal law was based on the 9/11 Commission's recommendation that secure identification was needed to ensure that those with fraudulent documentation do not enter vulnerable facilities. In 2008, the Department of Homeland Security (DHS) implemented regulations outlining the requirements that a state must meet in order to be compliant with the REAL ID Act.

Minnesota Prohibition

[Minnesota Laws, 2009, chapter 92, section 1](#) prohibited the Commissioner of Public Safety from planning for or implementing the REAL ID Act. DHS continued their phased plans for implementing REAL ID and, as of today, 24 states are issuing REAL ID compliant cards. In October 2015, DHS began its third phase of enforcement by restricting access to military bases and certain federal facilities only to those people with compliant cards. By January 2018, a compliant card, or a card issued by a jurisdiction with an extension, is required for domestic air travel. Beginning in October 2020, every domestic air traveler must have a compliant card or an alternate form of identification documentation.¹

Repeal of Minnesota Prohibition

[Minnesota Laws, 2016, chapter 83, sections 1 to 5](#) removed the prohibition preventing the Department of Public Safety (DPS) from planning for the implementation of the REAL ID Act. This law directs the commissioner of Public Safety to undertake planning activities to prepare for the eventual compliance with the requirements of the REAL ID Act. This report identifies planning activities since the enactment of the law's effective date of March 31, 2016.

¹ The Department of Homeland Security, Transportation Security Administration (TSA) determines the identification documentation required for domestic air travel. A United States passport or passport card is acceptable documentation. A full list of acceptable identification is available at the TSA website. <https://www.tsa.gov/travel/security-screening/identification>
DVS does issue enhanced driver license and identification cards. They can be used for federal purposes including domestic air travel and entering federal facilities and military bases.

Review of Planning Activities

The Department of Public Safety Division of Driver and Vehicle Services, after reviewing each of the items requested by the Legislature, prepared this report to outline the planning activities defined by the Department and provides an overview of the actions necessary to issue REAL ID compliant cards.

Legislative Changes

The following is a list of statutes and rules which will need to be changed to comply with the requirements of the REAL ID Act of 2005.

Statutory Changes

- A definition of REAL ID compliant cards must be added ([M.S. 171.01](#)).
- Fingerprint and name-based criminal records checks are required for those who can materially alter identity information on the records of compliant cardholders ([M.S. 171.017](#)).
- REAL ID compliant cards require an application to be completed and a fee to be paid ([M.S. 171.06 subd. 1](#)).
- Fees are listed for every card issued by DVS ([M.S. 171.06 subd 2](#)).
- First-time applicants or applicants changing their name must sign a declaration under penalty of perjury that the information presented is true and correct² ([M.S. 171.06 subd. 3](#)).
- Verification of Social Security number is required. For REAL ID compliance, every applicant must provide an accurate Social Security number unless he or she has an unexpired foreign passport with a valid, unexpired U.S. visa affixed, accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States and can demonstrate non-work authorized status ([M.S. 171.06 subd. 3](#)).
- REAL ID documentation requirements (identity, Social Security number, and Minnesota residency) should be referred to ([M.S. 171.06, sub. 3](#)).
- REAL ID applicants must comply with selective service registration requirements, if applicable ([M.S. 171.06 subd. 6](#)).
- REAL ID compliant cards must have an indicator demonstrating compliance and a noncompliant card must state on its face, "not for federal purposes." A card issued to an individual with temporary lawful status must be marked "temporary" ([M.S. 171.07](#)).
- REAL ID compliant Minnesota senior identification cards cannot be valid for the lifetime of the holder ([M.S. 171.07, subd. 3a](#); [M.S. 171.07 subd. 4 \(b\)](#)).
- REAL ID compliant cards must have a photograph ([M.S. 171.071](#)).
- REAL ID compliant cards must have the security features required by DHS ([M.S. 171.07 subd. 9a](#)).
- Minnesota Tribal identification cards are not valid proof of identity for REAL ID compliant cards ([M.S. 171.072](#)).
- REAL ID compliant cards must expire on the last day of the cardholder's temporary lawful status ([M.S. 171.07 subd. 4](#), [M.S. 171.27](#)).

Additional information about the statutory changes required to implement REAL ID compliant cards can be found in the [Appendix A](#) and [Appendix B](#).

² The penalty for perjury is imprisonment for up to five years or a fine of up to \$10,000 or both ([M.S. 609.48 subd. 4](#))

Administrative Rulemaking

DPS must be granted express and expedited rulemaking authority under [M.S. 14.389](#) by the legislature to amend rules necessary for REAL ID implementation. To obtain a REAL ID compliant credential, an applicant must submit one identity document, documentation of Social Security number, and two documents demonstrating Minnesota residence address. The following rules have been identified as needing modification:

- REAL ID compliant cards should be defined ([M.R.7410.0100](#)).
- To be REAL ID compliant, the card and driving record must have space for at least 39 characters ([M.R.7410.0300 subp. 2, items A and B](#)).
- Documentation of Social Security number must be provided ([M.R. 7410.0400](#)).
- A first-time REAL ID compliant Minnesota driver license or identification card applicant must submit a primary document ([M.R. 7410.0400 subp. 2](#)). The DHS approved list of REAL ID compliant identity documents are:
 - Valid, unexpired U.S. passport;
 - Certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's state of birth;
 - Consular Report of Birth Abroad issued by the U.S. Department of State, Form FS-240, DS-1350, or FS-545;
 - Valid, unexpired Permanent Resident Card (Form I-551) issued by DHS or INS;
 - Unexpired employment authorization document (EAD) issued DHS, Form I-766 or Form I-688B;
 - Unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States;
 - Certificate of Naturalization issued by DHS, Form N-550 or Form N-570;
 - Certificate of Citizenship, Form N-560 or Form N-561, issued by DHS;
 - REAL ID driver license or identification card³; and
 - Such other documents as DHS may designate by notice published in the Federal Register.⁴
- There are no DHS approved secondary identity documents ([M.R. 7410.0400 subp. 3](#)).
- REAL ID requires two documents as proof of a Minnesota resident address ([M.R. 7410.0410 subp. 4a](#)).
- A REAL ID compliant card must expire when the cardholder's temporary legal status expires ([M.R. 7410.0410, subs. 6-10](#)). After expiration, if the cardholder's temporary legal status is extended, legislative authorization is necessary to issue a renewed card within the standard four-yearcycle at no charge ([M.R. 7410.0410 subp. 14](#)).
- No variance is allowable under REAL ID for proof of residency ([M.R. 7410.0410, subp. 15](#)).
- No variance is allowable under REAL ID for those who object to a photographic image being taken ([M.R. 7410.1810, subp. 1](#)).

Additional information about the rule changes required to implement REAL ID compliant cards can be found in [Appendix C](#). Information about Proof of Residency Rule Changes for Rule ID Compliance can be found in [Appendix D](#).

³ Additionally documentation may be required to verify lawful status if a REAL ID card is submitted as proof of identity.

⁴ CFR §37.11 (c)

Vendor Contracts and Computer Systems

The primary vendor contract affected by the REAL ID Act is with the card vendor. The card must be redesigned for REAL ID compliance. In addition, changes must be made to the DVS computer system. The extent and expense of these changes are dependent on the effective date of issuing REAL ID compliant cards.

Vendor Contracts

Card Changes

The changes that are required to produce a REAL ID compliant card are:

- Compliant card indicator: a small gold star placed in the upper left or right hand corner of the card.
- Noncompliant card indicator (if issued) stating the card is “not for federal purposes.”
- “Temporary” indicator for cards issued to those with temporary lawful status.
- Additional information must be included on the 2D barcode. The 2D barcode on a REAL ID compliant card will be larger than one on the current card because it must contain additional information.
- Card material must be changed to allow for better card security.
- REAL ID regulations require that 39 characters must be available for the full legal name on the card face.

New Card Contract

DVS is in the procurement process for a new card vendor contract and is currently evaluating the submitted proposals.

Computer Systems

Changes must be made to the current computer system if a REAL ID compliant card is produced before the first quarter of January 2018. The necessary changes would require new programming to the current legacy system. This system is old and fragile and will be replaced by the new Minnesota Licensing and Registration System (MNLARS). Any changes to the current system are expensive and will divert resources from MNLARS development, which will extend the launch date for the new system.

MNLARS will be more flexible and feature an amendable environment to accommodate needed changes. MNLARS has been designed to provide for quicker response to legislative needs, enhanced security, and improved services.

Department of Homeland Security Communications

DPS is engaged in ongoing discussions with the DHS to verify necessary actions for Minnesota to become REAL ID compliant. DPS has obtained initial information about registering for the federal Systematic Alien Verification for Entitlements ([SAVE](#)) program since it is a requirement for compliance.

Draft Certification Documents

The REAL ID regulations require a state to submit the following for certification:

- A certification by the highest level Executive official in the State overseeing the DMV reading as follows: “I, [name and title (name of certifying official), (position title) of the state (Commonwealth)] of _____, do hereby certify that the State (Commonwealth) has implemented a program for issuing drivers licenses and identification cards in compliance with the requirements of the [REAL ID Act of 2005](#), as further defined in [6 CFR part 37](#), and intends to remain in compliance with these regulations;”
- A letter from the Attorney General of the State confirming that the State has the legal authority to impose requirements necessary to meet the standards established by this part;
- A description of the state’s exceptions process for those unable to present the necessary documents to establish identity, date of birth, or U.S. citizenship; and
- A description of the waiver process for staff who have been arrested for a disqualifying crime but when there has been no final disposition in the matter; and
- The state’s security plan, which includes the following:
 - Security at facilities where cards are produced. The current card vendor’s facility has met the DHS security requirements;
 - Security, confidentiality, and integrity of the personally identifiable information at locations involved in application, issuance, and production of cards. This includes the safeguards to protect personal information and procedures to prevent unauthorized access
 - Security features of the card and biometrics used; and
 - Access control including employee credentialing and background checks and training regarding security awareness, fraudulent documentation, and internal audit controls.

Additionally, DHS will conduct a review of state compliance. The DHS review includes:

- Provide any reasonable information related to compliance;
- Inspections of any sites where applications are made, cards are issued, and cards are produced; and
- Interviews with state employees and contractors who are involved with application, verification, and production of cards.

Approaches to Safeguarding Privacy and Protection of Applicant Data

Scanned Images

Current Applicant Cards

Currently, all first-time applications and supporting identity documents are mailed to the DPS central office for processing. The applications and supporting materials are scanned and then securely stored for five years before being destroyed. Access to scanned materials is limited to certain Driver and Vehicle Services staff who must view the documents in order to assist customers and correct records. Renewal and duplicate applications are processed and scanned at driver license agent offices. The applications are scanned and the data securely transferred to an electronic document repository. The physical applications are securely retained by a driver license agent office for five years before being securely destroyed.

REAL ID

REAL ID requirements include retaining either a paper copy of the application and source documents, which are identification and Social Security card documentation, for seven years or a digital image for 10 years. Once a backup copy of the digital image is created, the paper copy may be destroyed. Access to the images will be limited to those individuals who must update or correct a record. Additionally, the photo taken of the applicant must be retained for at least five years if no card is issued and for two years beyond the expiration date of the card, if one is issued.

DPS plans to maintain the application and source documents in a manner similar to the procedures used currently.

Verifications

Minnesota does not share driver license data with any state. REAL ID would not require state-to-state data sharing. States do interact with each other through a verification process. Verification is completed through a messaging system that responds to an inquiry for data about a driver.

Current Verification Systems

Driver and Vehicle Services performs three secure verifications on each applicant for a driver license. These verifications are:

- Problem Driver Pointer System (PDPS), maintained by the National Driver Registry (NDR), verifies the information given by the driver to ensure his or her driving privileges have not been lost in another state and the applicant has not been convicted of a serious driving offense. The information maintained by NDR includes name, date of birth, gender, driver license and reporting state.
- Commercial Driver license Information System (CDLIS) is a check of commercial driver license status and eligibility. It includes the name, date of birth, last five digits of the Social Security number, and state driver license number. It also directs inquires to the state that maintains the current driver record.
- Social Security On-line Verification (SSOLV) is verification through the Social Security Administration of the applicant's name, date of birth and Social Security number. It only verifies the individual's information that is transmitted by DVS but it does not disclose data.

REAL ID Required Verification

DHS requires verification of immigration documentation through the SAVE program.

As stated by DHS, the REAL ID Act does not create a federal database: “With regard to concerns that REAL ID will create a Federal database on all REAL ID card holders, DHS does not intend to own or operate a database on driver license and identification card holders. REAL ID implementation, however, will require a messaging system to serve as the backbone to support the verification checks REAL ID requires. In addition, the State-to-State data exchange will likely require a software application (likely an index or pointer system) to enable the States to exchange limited information to identify whether an applicant for a card holds a card in another jurisdiction”.⁵

Additional Data Privacy Protections

Federal Law -[Driver’s Privacy Protection Act of 1994](#)

The Driver’s Privacy Protection Act of 1994 is a federal statute that prohibits the disclosure of personal information by DMVs without the individual’s consent.⁶ Personal information can be disclosed in limited circumstances such as for government purposes, connection with matters of motor vehicle or driver safety, such as vehicle theft or recalls, and verification of the accuracy of information.

State Law –[M.S. 171.12 Driving Record; Filing; Private Data](#)

Minnesota law reaffirms the protections of the Driver’s Privacy Protection Act of 1994. The information provided on an application cannot be disclosed for bulk data distribution without the applicant’s authorization. Data collected may only be used in connection with the operation of motor vehicles and public safety, but may be disclosed to law enforcement. Additionally, an individual’s address can be classified as private data upon the applicant’s request; the residence address is placed on the driving record, but an alternative address is placed on the card. The REAL ID act allows states to continue their current data privacy practices.

Feasibility of Using Department of Homeland Security Trusted Traveler Program Membership

DHS does not include Trusted Traveler documents on the current list of [approved documents](#) to establish identity or other documentation required to obtain a REAL ID compliant card. DHS has stated that they will not accept Trusted Traveler Program Membership as an identity document.

⁵ Minimum Standards for Driver licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Final Rule, 73 Fed. Reg. 5291(Jan. 29, 2008) (amending 6 C.F.R. pt. 37)

⁶ 18 U.S.C. § 2721-2725

Itemizing Costs and Timing for Implementation

There are costs for the changes necessary to achieve REAL ID compliance. These costs include modifications to the card, programming changes, and interfacing with verification systems. Additionally, the legislature has directed DPS to determine the costs of the following changes:

- Achieving compliance with REAL ID requirements, including modifying Minnesota identification cards issued to applicants age 65 or older;
- Optimizing privacy and protection of data of cardholders and applicants;
- Equipping, training, and qualifying driver license agents to process REAL ID compliant applications;
- Implementing a single-tier license system; and
- Implementing a two-tier license program

The costs depend greatly on the timing of issuing the first REAL ID compliant cards and whether there is a one or two-tiered system, as the following chart indicates:

	<i>If REAL ID Act is implemented and compliant cards are available in:</i>		
	<i>October 2016⁷</i>	<i>July 2017⁸</i>	<i>January 2018⁹</i>
Card costs	\$160,000 to \$200,000*	No costs as legislative changes have been built into new card contract. ¹⁰	No costs as legislative changes have been built into new card contract.
Background checks for driver license agent or new DVS employee	\$19.75 per driver license agent or new DVS employee.	\$19.75 per driver license agent or new DVS employee.	\$19.75 per driver license agent or new DVS employee.
Training costs	\$300 per person for training of all driver license agent office staff and DVS employees on REAL ID procedures and security measures. Customers will also require information about card options, which will increase the time spent with each customer.	\$300 per person for training of all driver license agents and DVS employees on REAL ID procedures and security measures. Customers will require information about card options, which will increase the time spent with each customer.	No additional training costs for driver license agents and DVS staff because it will be part of the MNLARS implementation training. Customers will require information about card options, which will increase the time spent with each customer.
Verification costs	50 cents or 80 cents per SAVE electronic verification. \$2.00 for paper verification.	50 cents or 80 cents per SAVE electronic verification. \$2.00 for paper verification.	50 cents or 80 cents per SAVE electronic verification. \$2.00 for paper verification.
Programming costs	\$2.0 million**	\$2.0 million**	None
Impact to MNLARS	Will extend final MNLARS implementation by at least six months.	Will extend final MNLARS implementation by at least six months.	None as REAL ID will just be part of the development of MNLARS
Total estimated costs	\$4.3 million to \$5.1 million	\$4.3 million to \$5.1 million	\$16,000 to \$30,000 annually

*Card costs: The current card vendor has indicated that changes to the card including the REAL ID indicator, temporary lawful status language, additional information on the barcode and changing card materials to allow for additional security features. If a non-compliant card, “not for federal purposes” language. The card vendor states that it must know of these changes no later than May 15th to meet October deadline.

**Estimated programming costs to the DVS legacy system.

⁷ Implementation date in statute

⁸ Implementation with new card vendor contract

⁹ MNLARS driver license roll out

¹⁰ While there are no increased costs due to REAL ID compliance, it is expected that there will be an increase in costs of the card under the new contract.

Impact on current MNLARS plan if REAL ID is implemented October 2016 or July 2017:

- Work on MNLARS Release MV (motor vehicles) would need to be stopped or reduced immediately, significantly impacting the project timeline.
- COBOL and legacy contractors would need to be secured; limited number of legacy talent is available.
- Some MNLARS programming staff would be laid off as their skills would not meet the legacy programming demands.
- REAL ID changes would need to be retrofitted from current production systems into MNLARS Release DS (driver services).
- Overall security risks would remain until MNLARS is completed.

Senior Identification Cards

If a two-tiered system is implemented:

- Seniors would have the option of keeping their current senior identification card, which is valid for their lifetime, or obtaining a REAL ID compliant card.

If one-tier system is implemented:

- All seniors with lifetime cards would be required to obtain a REAL ID if they lose their current credential or wish to obtain a federally compliant card.
- Senior identification cards will have to be replaced with REAL ID compliant cards.
- Programming will be required so the Driver and Vehicle Services system populates a REAL ID compliant senior identification as having an expiration date of four years.

Approximately 153,000 individuals have a senior identification card.

One-Tier and Two-Tier System

- A two-tier license system allows for more identification card options for citizens.
- The current card will have to be marked as “not for federal purposes.”
- A two-tier system is essentially a three-tier system because DVS will be issuing REAL ID compliant cards, noncompliant cards, and enhanced driver licenses and enhanced identification cards.
- For a more detailed comparison see [Appendix E](#).
- For information regarding pertinent statutes and rules, see [Appendix F](#) and [Appendix G](#).
- For other considerations regarding one-tier and two-tier systems, see [Appendix H](#).

Appendix A: REAL ID Inclusion in Current Statutory Requirements

Minnesota Statute	Heading	Potential Changes
171.06 subd. 1	Forms of Application	Add REAL ID compliant as requiring application and fee.
171.06 subd. 6	Compliance with Selective Service	Applicants for REAL ID DL must comply with selective service
171.07 subd. 3a	ID Card for Seniors	REAL ID compliant ID card cannot be valid for the lifetime of the holder. This is the existing restriction on enhanced identification cards.
171.07 subd. 3a 171.07 subd. 4(b)	Expiration –creates an exception for EIDs issued to seniors	MN senior identifications are good for the lifetime of the applicant unless they are enhanced IDs. REAL ID senior identification cards must be added as not valid for the lifetime of the holder.
171.071 subd. 3	Photograph on DL/ID –Religious exemption not allowed for EDL/EID	REAL ID cards must have a photograph. No religious exemptions are allowed. EDLs are listed as not allowing an exception.

Appendix B: New Statutory Requirements for REAL ID Compliant Cards

Minnesota Statute	Heading	Potential Changes
171.01	Definitions	Add definitions of REAL ID compliant card
171.017 subd. 1	Background Investigations	Background checks are required for those that can materially alter identity information on records of compliant cardholders. Material alteration does not include address change. DVS issuing staff will have to be fingerprinted for background checks. If DL Agents are allowed to create or alter records, they will have to be fingerprinted.
171.06 subd. 2	Fees	The fee to be charged for REAL ID compliant cards.
171.06 subd. 3	Other Information	First-time Real ID applicants must sign a declaration under penalty of perjury that the information presented on the application is true and correct. The declaration must be signed when the individual presents new source (identity) documents. The declaration must be signed again if the individual legally changes his or her name.
171.06 subd. 3 (3)(ii)	Other Information	Must provide SSN Number or provide verification that they are not eligible for SSN. Current requirement is the person must certify he or she does not have a Social Security number
171.06 subd. 3 (4)	Other Information	Add document requirements for REAL ID compliant card (citizenship/lawful presence, SSN, state residency). The enhanced driver license and identification card requirements are similar but also include proof of citizenship, which is not required for a Real ID compliant card.
171.07	Information on License/ID card	<ul style="list-style-type: none"> • Must put the gold star indicator on Real ID compliant cards • Must mark non-compliant cards as “not for federal purposes” • Must mark cards of those with temporary lawful status as “temporary DL/ID” or “limited term”
171.07 subd. 4	Expiration	Expiration date for cards issued to those with temporary lawful status must coincide with the end of their authorized stay.
171.07 subd. 9a	Card Security	Improved card security features are required for REAL ID compliant cards.
171.072	Tribal Identification Card	Tribal identification cards cannot be used as proof of identity, name, DOB for a REAL ID compliant card
171.27 171.07 subd. 4	Expiration of License Expiration of Identification Card	All cards expire at the cardholder’s birthday at the end of the 4-year renewal cycle. Cards issued to those with temporary lawful status must expire at the end of their authorized stay.

Appendix C: Rule Changes for Real ID Implementation

Minnesota Rule	Heading	Potential Changes
7410.0100	Definitions	Must add Real ID to definitions
7410.0300 subp. 2, items A and B	Length of Full Name 32 Characters	Must allow up to 39 characters on the card and driving record for full legal name
7410.0400 subp. 2	Documenting Proof of Name, DOB, Identity Primary Documents	<p>Must include Real ID Documentation Requirements for Proof of Identity:</p> <ul style="list-style-type: none"> • Valid, unexpired U.S. passport • Certified copy of birth certificate • Consular Report of Birth Abroad, Forms FS-240, DS-1350, or FS-545 • Valid unexpired permanent resident card, Form I-551 • Unexpired employment authorization document, Form I-766 or Form I-688B • Unexpired foreign passport with valid, unexpired U.S. visa with I-94 form showing most recent admittance into the United States • Certificate of Naturalization, Form N-550 or Form N-570 • Certificate of Citizenship, Form N-560 or Form N-561 • REAL ID compliant DL/ID (other documentation required for proof of lawful presence) • Other document DHS may designate by notice in the Federal Registrar <p>If only issuing compliant cards, then the primary documents list must be amended to eliminate items not approved by DHS, such as an unexpired active duty reserve or retired U.S. military identification card. Also, older series of permanent resident cards and employment authorization cards must be eliminated.</p> <p>If a two-tier system is implemented, then the existing primary document list will remain and a list of allowed REAL ID identity documentation will be added.</p>
7410.0400 subp. 3	Documenting Proof of Name, DOB, Identity -Secondary Documents	If only issuing REAL ID compliant cards, then the secondary document list should be eliminated. It will be retained if a two-tier system is implemented.
7410.0400 subp. 1 F	Documenting Proof of Name, DOB, Identity Social Security Number	<p>Add REAL ID requirements for proof of SSN (same as EDL/EID):</p> <ul style="list-style-type: none"> • Social Security card • W-2 Form • SSA-1099 form • Non-SSA-1099 form • Pay stub with SSN on it <p>Social Security number documentation must be provided unless the applicant has an unexpired foreign passport with a valid, unexpired U.S. visa affixed, accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States and can demonstrate non-work authorized status.</p>
7410.1810 subp. 1	DL/ID Image	No variance for photos on REAL ID compliant cards.

Appendix D: Proof of Residency Rule Changes for Rule ID Compliance

Minnesota Rule	Heading	Potential Changes
7410.0410 subp. 1	Proof of Residency at Application	If only compliant cards are issued, applicant must provide documentation of Minnesota residence address rather than attest to Minnesota residency.
7410.0410 subp. 2	Proof of Residency at Renewal	If an applicant for a REAL ID renewal or duplicate is updating the address, documentation of new Minnesota residence address must be provided.
7410.0410 subp. 4a	Proof of Residency for EDL/EID	Real ID requires 2 documents for proof of Minnesota residence address. The existing residency documentation list for enhanced driver licenses and identification cards may be used.
7410.0410 subp. 6	Lawful short term admission status	A REAL ID compliant card must expire at the end of the authorized stay period.
7410.0410 subp. 8	Proof of Residency/Status Check	REAL ID compliant temporary licenses must be issued to those with short-term admission. If no end date for admission period is given, the license will expire at the end of one year. The license must expire rather than be cancelled.
7410.0410 subp. 9	Reissuance	A REAL ID applicant with temporary lawful status will apply for a renewal if the authorized stay is extended.
7410.0410 subp. 10	Proof of Residency/Cancellation; denial	Card should expire when short-term admission period has ended,
7410.0410 subp. 11	Cancellation; denial	REAL ID compliant cards will expire at the end of the authorized stay. References to status checks and cancellation of card at the end of the authorized stay must be removed for REAL ID compliant cards.
7410.0410 subp. 12	Cancellation order	REAL ID compliant cards will expire rather than be cancelled at the end of the authorized stay.
7410.0410 subp. 13	Administrative Review	REAL ID compliant cards will expire rather than be cancelled at the end of the authorized stay.
7410.0410 subp. 14	Fees	Application fees may be charged for a new temporary license because it is a renewal.
7410.0410 subp. 15	Proof of Residency/Variance	No variances for those with short term admission period; variance is only available for establishing date of birth and identity. Alternative documents can be used to demonstrate U.S. citizenship.

Appendix E: Standard Card, Enhanced Driver License or Identification Card, and REAL ID Compliant Card Comparison

	Standard MN Driver's License/Identification Card	Enhanced Driver's License/Enhanced Identification Card (EDL/EID)	Real ID card
Age Requirement	No	Must be at least 16 years old	No
Air Travel	Acceptable until January 22, 2018	Yes	Yes
Border Crossing	No	Yes	No
Contains Radio Frequency Identification (RFID)	No	Yes	No
Entering Federal Facilities	No	Yes	Yes
Entering a military base	No	Yes	Yes
Entering Nuclear Power Plants	No	Yes	Yes
Identification purposes	Yes	Yes	Yes
Valid for lawful driving privileges	Yes	Yes	Yes

Appendix F: One-Tier and Two-Tier Statutory Changes

	One-Tier		Two-Tier	
Card Types	<ul style="list-style-type: none"> REAL ID compliant cards EDL/EID cards that can be used for federal purposes 		<ul style="list-style-type: none"> REAL ID compliant cards EDL/EID cards that can be used for federal purposes REAL ID noncompliant cards 	
Current Statutes	Eliminated:	Amended:	Eliminated:	Amended:
	<p>171.07 subd. 3a : ID Card for Seniors</p> <p>171.07 subd. 4(b) : Senior ID card expiration</p> <p>171.071 subd. 3 : Photograph on DL/ID – religious exemption not allowed for EDL/EID</p> <p>171.072 : Tribal Identification Card</p>	<p>171.01 subd. 31 : Add definitions of REAL ID compliant DL/ID</p> <p>171.017 subd. 1 : Background checks and fingerprinting required for staff who handle REAL ID applications</p> <p>171.06 subd. 1 : Add REAL ID compliant as requiring application and fee</p> <p>171.06 subd. 2 : Fee must be charged for REAL ID</p> <p>171.06 subd. 3 : First time REAL ID applicants must sign a declaration under penalty of perjury</p> <p>171.06 subd. 3 (3) (i) and (3)(ii) : Must provide SSN or verification they are non-work authorized and not eligible</p> <p>171.06 subd. 3 (4) : Add document requirements for REAL ID compliant cards (EDL requirements are similar)</p> <p>171.06 subd. 6 : Applicants for REAL ID must comply with selective service</p> <p>171.07 : Add REAL ID compliant and noncompliant indicators</p> <p>171.07 subd. 4 : Cards issued to those with temporary lawful status must expire on the last day of lawful presence</p> <p>171.27 & 171.07 subd 4 (a): Cards issued to those with temporary lawful status must expire on the last day of lawful presence</p>	None	<p>171.01 subd. 31 : Add definitions of REAL ID compliant DL/ID</p> <p>171.017 subd. 1 : Background checks and fingerprinting required for staff who handle REAL ID applications</p> <p>171.06 subd. 1 : Add REAL ID compliant as requiring application and fee</p> <p>171.06 subd. 2 : Fee must be charged for REAL ID compliant card</p> <p>171.06 subd. 3 : First time REAL ID applicants must sign a declaration under penalty of perjury</p> <p>171.06 subd. 3 (3)(i) and (3)(ii) : Must provide SSN or verification that they are not eligible for SSN</p> <p>171.06 subd. 3 (4) : Add document requirements for REAL ID compliant cards (EDL reqs are similar)</p> <p>171.06 subd. 6 : Applicants for REAL ID must comply with selective service</p> <p>171.07 : Add REAL ID compliant and noncompliant indicators</p> <p>171.07 subd. 4 : Cards issued to those with temporary lawful status must expire on the last day of lawful presence</p> <p>171.07 subd. 4(b) : Exclude REAL ID card</p> <p>171.071 subd. 3 : Exclude REAL ID card</p> <p>171.072 : Exclude REAL ID card</p> <p>171.27 & 171.07 subd 4 (a) : Cards issued to those with temporary lawful status must expire on the last day of lawful presence</p>

Appendix G: One-Tier and Two-Tier Rule Changes

	One-Tier		Two-Tier	
Card Types	<ul style="list-style-type: none"> REAL ID compliant cards EDL/EID cards that can be used for federal purposes 		<ul style="list-style-type: none"> REAL ID compliant cards EDL/EID cards that can be used for federal purposes REAL ID noncompliant cards 	
Current Rules	Eliminated:	Amended:	Eliminated:	Amended:
	<p>7410.0400 subp. 1 A&C, subp. 2, subp. 3 : Documenting Proof of Name, Date of Birth, Identity</p>	<p>7410.0100 : Need to add REAL ID to definitions</p> <p>7410.0300 subp. 2 A and B : Must allow up to 39 characters on the card</p> <p>7410.0400 subp. 1 F : Add REAL ID requires proof of SSN</p> <p>7410.0410 subp. 4a : Add REAL ID requires 2 documents for proof of residence address (may use existing EDL/EID list)</p> <p>7410.0410 subp. 6-10 : Must issue a license labelled temporary to those with short-term admission. Card must expire when short-term admission period has ended (if no end date given, card expires at the end of one year).</p> <p>7410.0410 subp. 14 : Application fees may be charged for a new temporary license</p> <p>7410.0410 subp. 15 : No variances for those with short-term admission period; variance only available for establishing date of birth and identity</p> <p>7410.1810 subp. 1 B and C : No variance for photos on REAL ID compliant cards</p>	None	<p>7410.0100 : Need to add REAL ID to definitions</p> <p>7410.0300 subp. 2 A and B : Must allow up to 39 characters on the card</p> <p>7410.0400 subp. 1 F : Add REAL ID requires proof of SSN</p> <p>7410.0400 subp. 2 : Must include REAL ID document requirements for proof of identity</p> <p>7410.0400 subp. 3 : secondary documents must be submitted by first time applicants</p> <p>7410.0410 subp. 4a : Add REAL ID requires 2 documents for proof of residence address (may use existing EDL/EID list)</p> <p>7410.0410 subp. 6-10 : Must issue a license labelled temporary to those with short-term admission. Card must expire when short-term admission period has ended (if no end date given, card expires at the end of one year).</p> <p>7410.0410 subp. 14 : Application fees may be charged for a new temporary license</p> <p>7410.0410 subp. 15 : No variances for those with short-term admission period; variance only available for establishing date of birth and identity</p> <p>7410.1810 subp. 1 B and C : No variance for photos on REAL ID compliant cards</p>

Appendix H: One-Tier vs. Two-Tier Card System Other Considerations

	One-Tier	Two-Tier
Card Types	<ul style="list-style-type: none"> • REAL ID compliant cards • EDL/EID cards that can be used for federal purposes 	<ul style="list-style-type: none"> • REAL ID compliant cards • EDL/EID cards that can be used for federal purposes • REAL ID noncompliant cards
Staff Training	<ul style="list-style-type: none"> • Acceptable supporting documentation • Security awareness • Fraudulent documentation • Internal audit controls 	<ul style="list-style-type: none"> • Different types of card • Acceptable supporting documentation • Security awareness • Fraudulent documentation • Internal audit controls
Privacy: Scanned Images	<ul style="list-style-type: none"> • REAL ID compliance requires retention of paper applications and source documents for 7 years; OR, a digital copy for 10 years • Access to images limited to those who update or correct a record • Photos must be retained for at least 5 years (if no card is issued) OR for 2 years beyond the expiration date if the card is issued. 	<p>Noncompliant cards:</p> <ul style="list-style-type: none"> • First time applications and supporting identity documents are processed at central office. • Documents are scanned and securely store for 5 years. • Access to scanned materials is limited to certain DVS staff who must view the documents to assist customers. • Renewal and duplicate applications are processed and scanned at driver license agent offices. • Data securely transferred to electronic document repository. • Physical applications are securely retained by the agent for 5 years.
		<p>EDL/EID:</p> <ul style="list-style-type: none"> • Can only be applied for at 14 locations. • Applications are forwarded to central office to be scanned and processed. • Backups are made of the stored image. • Paper applications can be destroyed once backup is created. • Access to scanned image is limited to less than 10 DVS staff. • Images and backups are destroyed after 10 years.
		<p>REAL ID:</p> <ul style="list-style-type: none"> • REAL ID compliance requires retention of paper applications and source documents for 7 years; OR, a digital copy for 10 years. • Access to scanned images limited to those who update or correct a record. • Photos must be retained for at least 5 years (if no card is issued) OR for 2 years beyond the expiration date if the card is issued.

Secured Verification	<ul style="list-style-type: none"> • PDPS – verified information provided by driver to ensure valid driving privileges in all 50 states (includes name, date of birth, gender, driver license number, and reporting state) • CDLIS – verifies commercial driver license status and eligibility (includes name, date of birth, last five digits of SSN, and state driver license number) • SSOLV – verification of applicant’s name, date of birth, and SSN • SAVE – verifies information on an applicant’s immigration status 	<ul style="list-style-type: none"> • PDPS – verified information given by driver to ensure valid driving privileges in all 50 states (includes name, date of birth, gender, driver license number, and reporting state) • CDLIS – verifies commercial driver license status and eligibility (includes name, date of birth, last five digits of SSN, and state driver license number) • SSOLV – verification of applicant’s name, date of birth, and SSN • SAVE – verifies information on an applicant’s immigration status
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