

REAL ID UPDATE

MARCH 5, 2016

KENTUCKY SENATE BILL 245

FACTS:

- Introduced on February 29th
- Assigned to the Senate Transportation Committee February 29th
- Heard in committee for discussion on March 2nd
- The sponsor is Senator Ernie Harris (R) of SD 26
- Senator Harris is also the Chairman of the Senate Transportation Committee
- The last day to introduce Senate Bills was March 3rd
- SB 245 attempts to harmonize Kentucky's Driver's License (DL) Laws with the Federal REAL ID Program.
- SB 245 is 65 pages long

HEARING

- **Many legislators shared that their constituents have concerns about this legislation:**
 - One in particular said this was the most opposition he has seen to a piece of legislation during his time in Frankfort. (Sen. Albert Robinson)
 - Another said people are either opposed or know nothing about this legislation, how could we pass it without the will of the people. (Sen Joe Bowen)
- **Some of the information that came out of the Committee meeting were:**
 - Dates of Importance:
 - July 15, 2016 TSA with airports will begin issuing web based advisories and notifications to the traveling public
 - December 15, 2016 TSA will begin posting signage and other information at checkpoints.
 - January 22, 2018 passengers from states with DL's that are not REAL ID compliant will have to show an alternative form of identification to board an airplane such as Social Security Card.
 - January 1, 2019 is the estimated date for Kentucky to be able to issue a REAL ID compliant DL.
 - October 1, 2020 is the date all passengers must have a REAL ID compliant DL to fly, or provide another REAL ID compliant document such as a Passport.
- **Who in Kentucky is pushing for REAL ID compliant DL's**
 - Commissioner of the Department of Vehicle Regulation in the Transportation Cabinet (KYTC), Mr. Rodney Kuhl (Governor Beshear Appointee)
 - Kentucky Transportation Cabinet as a whole
 - Department of Homeland Security
 - Senator Harris, as sponsor of legislation

- **Process of getting a REAL ID Compliant DL:**
 - Circuit Clerks would scan your breeder documents (birth certificate and social security card) into the system and send the information to the KYTC.
 - Increased DL cost to \$50 per issuance
 - Issue a temporary card
 - Send information off to out of state vendor to create the REAL ID compliant DL that would be mailed to your house at a later date.
- **Alternative Solution Discussion:**
 - The statement was made that this legislation was the bare minimum required, and that the information would be held just at the KYTC, and is an attempt to be as non-invasive as possible.
 - The proposal was put forward that we create two tiers for those that don't want to participate. (Sen. Jimmy Higdon)
 - Commissioner Kuhl indicated that is not something we want to do long term.
 - No new drivers (resident transfers, or first time drivers) in Kentucky will be able to "opt out."
 - Eventual goal is for everyone to be transitioned to a REAL ID compliant DL.
- **Concerns brought forth in the committee:**
 - Many are afraid of a National ID (Sen. Harris)
 - Looks like the feds are cramming this down our throats, frankly it is the feds cramming something down our throats. (Sen. Harris) NOTE: This is the sponsor speaking.
 - National Database, Sharing info with the UN, Travel Policies such as Europe and China which are less free (Sen. Brandon Smith)
- **Only Pro Presented:**
 - Stop Terrorism (Sen. Gerald Neal)

SB 245 LANGUAGE

- Page 2: Removes the right not to divulge your Social Security Number when applying for a DL.
- Page 16 & 17: Creation of voluntary (for now) Child IDs for ages 2-15 subject to all the same storage, security (enhancement), and sharing protocols.
- **Page 19:** Regulations are left up to the KYTC regarding the change-over, upgrades, creation of a new database, retention of data, security plan for data, and collection of identity documents will be subject to the KYTC purview. Further there is the information will be subject to "electronic connectivity" with any **other state's driver's licensing department, federal agency, national or regional association, or business**....So much for the information staying with just the KYTC.
- Page 20: Ineligible applicants do not have to get an enhanced REAL ID compliant DL. Per DHS an ineligible applicant could be an illegal immigrant, they would not have the information to turn over to get an enhanced DL. So basically there would be more tracking of US Citizens than there would be of illegal immigrants through this program.
- Page 59: Confirms that "Enhanced Secure" means compliant with REAL ID. Which means your information can be shared with the whole world essentially. For more information on that you can go to this [Fact Sheet](#) about REAL ID and Biometrics from the Constitutional Alliance. They

have an expert named Mark Lerner who worked in the Biometrics Industry and has been sounding the alarm to the dangers of REAL ID since its inception.

- <http://www.lrc.ky.gov/record/16RS/SB245/bill.pdf>
- <http://constitutionalalliance.org/real-id-act-2005-biometrics-fact-sheet-o>

REAL ID CONCERNS

- Government storage of citizen information.
- Government sharing of citizen information with other governments, national or regional associations, international organizations, or businesses.
- Information being hacked or used fraudulently.
- Limitless list of information items the government would store on individuals.
- With the inclusion of biometrics, such as facial recognition technology, the tracking of US citizens by the government. At some point it is not a stretch to have RFID technology used as well, furthering the ease of tracking citizens.
- Violations of the 4th Amendment, as citizens have the right to privacy in regard to their own documents. Passports are documents that are Federal property, would this make our documents owned by the states or the federal government?

PUBLIC RELATIONS & SOLUTIONS

The “fear” by the transportation cabinet is when Kentuckians have to fly they are going to have to unexpectedly carry their social security card and/or show a passport. However the flying public is fewer in population than the driving public and so it could be a greater public relations nightmare for them to have to show their social security card and birth certificate when they go to get a new driver’s license. Besides most of the flying public already has a passport.

One solution is to do a *real* two tiered system. Another solution is to repeal REAL ID, which there is already legislation for with S.2440 in the US Senate. The obvious solution is for those that plan on using Federal facilities to obtain a Federal ID such as a passport card, good for travel anywhere in the US, Canada, and Mexico.

Regardless of how you feel about REAL ID we should not be rushing to pass a 65 page piece of legislation (that is rather lengthy for a Kentucky bill) when we have until at the minimum 2018, and a repeal effort is underway in Washington D.C. The Federal government has a history of backing up REAL ID compliance deadlines and surely will continue to do so as several states have already passed legislation to oppose it like Montana, and others with constituents like Kentucky who are not sold on it.