

Representative Stephen E. Sandstrom proposes the following substitute bill:

OPTING OUT OF THE REAL ID ACT

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen E. Sandstrom

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill modifies the Uniform Driver License Act by amending provisions relating to the federal REAL ID Act of 2005.

Highlighted Provisions:

This bill:

- ▶ provides legislative findings regarding the federal REAL ID Act of 2005;
- ▶ prohibits the state from participating in the implementation of:
 - the REAL ID Act of 2005; or
 - any national identification card system that may be enacted by the United States

Congress;

- ▶ prohibits the Driver License Division from implementing the provisions of:
 - the REAL ID Act of 2005; or
 - any national identification card system that may be enacted by the United States

Congress;

- ▶ requires the Driver License Division to report to the governor any attempts to implement the provisions of:
 - the REAL ID Act of 2005; or
 - any national identification card system that may be enacted by the United States



26 Congress; and

27 ▶ provides that the Driver License Division may comply with provisions of the REAL

28 ID Act that are already:

29 • adopted by administrative rule; or

30 • authorized under this code.

31 **Monies Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 ENACTS:

37 **53-3-104.5**, Utah Code Annotated 1953



39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **53-3-104.5** is enacted to read:

41 **53-3-104.5. Legislative finding -- Prohibition on implementing REAL ID Act.**

42 (1) As used in this section, "REAL ID Act" means the REAL ID Act of 2005 enacted
43 by the United States Congress as part of the Emergency Supplemental Appropriations Act for
44 Defense, the Global War on Terror, and Tsunami Relief Act, Pub. L. No. 109-13.

45 (2) The Legislature finds that the United States Congress' enactment of the REAL ID
46 Act into law:

47 (a) is inimical to the security and well-being of the people of this state;

48 (b) will cause unneeded expense and inconvenience to the people of this state; and

49 (c) was adopted in violation of the principles of federalism contained in the Tenth

50 Amendment to the United States Constitution.

51 (3) (a) The state may not participate in the implementation of:

52 (i) the REAL ID Act; or

53 (ii) any national identification card system that may be enacted by the United States

54 Congress.

55 (b) The division:

56 (i) may not implement:

57 (A) the provisions of the REAL ID Act; or
58 (B) any national identification card system that may be enacted by the United States
59 Congress; and

60 (ii) shall report to the governor any attempt by an agency or an agent of the United
61 States Department of Homeland Security to secure the implementation of:

62 (A) the REAL ID Act; or
63 (B) any national identification card system that may be enacted by the United States
64 Congress.

65 (4) This Section does not preclude the division from complying with provisions of the
66 REAL ID Act that are already:

67 (a) adopted by administrative rule; or
68 (b) authorized under this code.

H.B. 234 1st Sub. (Buff) - Opting Out of the Real Id Act

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments. Individuals may be required to obtain alternative identification acceptable to the Federal Government (a passport card or book) for official purposes such as accessing Federal facilities and boarding Federally regulated commercial aircraft. Current costs for a passport card are \$35 for those under age 16 and \$45 for those age 16 and over.
