

OPTING OUT OF THE REAL ID ACT

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen E. Sandstrom

Senate Sponsor: _____

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;
- ▶ prohibits the Driver License Division from implementing the provisions of the REAL ID Act of 2005; and
- ▶ requires the Driver License Division to report any attempts to implement the provisions of the REAL ID Act of 2005 to the governor.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53-3-104.5, Utah Code Annotated 1953



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

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

30 **53-3-104.5. Legislative finding -- Prohibition on implementing REAL ID Act.**

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

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

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

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

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

39 Amendment to the United States Constitution.

40 (3) (a) The state may not participate in the implementation of the REAL ID Act.

41 (b) The division:

42 (i) may not implement the provisions of the REAL ID Act; and

43 (ii) shall report to the governor any attempt by an agency or an agent of the United
44 States Department of Homeland Security to secure the implementation of the REAL ID Act
45 through the operations of the division.

Legislative Review Note
as of 1-8-10 7:02 AM

Office of Legislative Research and General Counsel

H.B. 234 - 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 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.
