

1 **OPTING OUT OF THE REAL ID ACT**

2 2009 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stephen E. Sandstrom**

5 Senate Sponsor: Mark B. Madsen

6

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides legislative findings regarding the federal REAL ID Act of 2005;
- 14 ▶ prohibits the state from participating in the implementation of the REAL ID Act of
15 2005;
- 16 ▶ prohibits the Driver License Division from implementing the provisions of the
17 REAL ID Act of 2005; and
- 18 ▶ requires the Driver License Division to report any attempts to implement the
19 provisions of the REAL ID Act of 2005 to the governor.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 ENACTS:

26 **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 10th
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 2-4-09 4:26 PM

Office of Legislative Research and General Counsel

H.B. 325 - Opting Out of the Real Id Act

Fiscal Note

2009 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.
