

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;
- ▶ prohibits the Driver License Division from implementing the provisions of the REAL ID Act of 2005;
- ▶ requires the Driver License Division to report to the governor any attempts to implement the provisions of the REAL ID Act of 2005; and
- ▶ provides that the Driver License Division may comply with provisions of the REAL ID Act that are already:
 - adopted by administrative rule; or
 - authorized under this code.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

30 **53-3-104.5**, Utah Code Annotated 1953

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

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

34 **53-3-104.5. Legislative finding -- Prohibition on implementing REAL ID Act.**

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

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

- 40 (a) is inimical to the security and well-being of the people of this state;
- 41 (b) will cause unneeded expense and inconvenience to the people of this state; and
- 42 (c) was adopted in violation of the principles of federalism contained in the Tenth
43 Amendment to the United States Constitution.

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

45 (b) The division:

- 46 (i) may not implement the provisions of the REAL ID Act; and
- 47 (ii) shall report to the governor any attempt by an agency or an agent of the United
48 States Department of Homeland Security to secure the implementation of the REAL ID Act.

49 (4) This section does not preclude the division from complying with provisions of the
50 REAL ID Act that are already:

51 (a) adopted by administrative rule; or

52 (b) authorized under this code.