



SPONSOR: Sen. Bushweller & Rep. Mitchell
Reps. Carson, Hudson, Lavelle, Ramone

DELAWARE STATE SENATE
145th GENERAL ASSEMBLY

SENATE BILL NO. 74

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE ENABLING THE DIVISION OF MOTOR VEHICLES TO ISSUE DRIVER LICENSES AND IDENTIFICATION CARDS THAT FEDERAL AGENCIES CAN ACCEPT FOR OFFICIAL PURPOSES IN ACCORDANCE WITH FEDERAL LAW AND REGULATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Section 101, Title 21, of the Delaware Code by adding the following definitions, enumerated as
2 the appropriate subsection and alphabetically inserted, into the existing section:

3 “() ‘Full legal name’ means an individual’s first name, middle name(s), and last name or surname without use of
4 initials or nicknames.

5 () ‘Non-compliant driver license’ means a driver license issued by the Division of Motor Vehicles that gives the
6 holder the appropriate driving authority but is not in full compliance or certified as Real ID Act compliant by the
7 United States Secretary of Homeland Security.

8 () ‘Non-compliant identification card’ means an identification document issued by the Division of Motor Vehicles
9 that is not in full compliance or certified as Real ID Act compliant by the United States Secretary of Homeland
10 Security.

11 () ‘Real ID driver license or identification card’ means a driver license or identification card that has been issued
12 by this State, has been certified by the United States Department of Homeland Security to be in compliance with
13 the requirements of 6 CFR 37, and meets the standards of Subparts A through E, including temporary or limited-
14 term driver licenses or identification cards issued under 6 CFR Section 37.21.”

15 Section 2. Amend Section 101 of Title 21 of the Delaware Code by deleting the definitions (26) “License” and
16 (70) “State”, and replacing them with the following definition:

17 “(26) ‘License’ means any license, temporary instruction permit, or temporary license, Real ID compliant or non-
18 compliant, issued under the laws of this State pertaining to the licensing of persons to operate motor vehicles to
19 include all those listed in Sections 2702(d) and (e).

(70) 'State' means a State of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands, except that for purposes of Chapter 29 of this title the term 'state' shall also include any province of Canada."

Section 3. Amend Section 2711(b) of Title 21 of the Delaware Code by deleting the existing subsection in its entirety and inserting in lieu thereof the following:

"(b) Every driver license application shall state the applicant's full legal name, social security number, if eligible, date of birth, gender, address of principal residence in this State, and any other information determined necessary by the Division. The applicant will state whether or not the applicant holds a Real ID Act compliant driver license or identification card in this or any other state, has previously been licensed as an operator, and if so, when and by what state and whether or not such license has ever been suspended or revoked, and if so, the date of and reason for such suspension or revocation. The driver license applicant must sign a declaration on the application form, under penalty of perjury, that the information presented by the applicant is true and correct. The Division shall promulgate rules and regulations regarding the issuance of Real ID complaint and non-compliant driver licenses, which shall incorporate by reference the applicable provisions of 6 CFR 37."

Section 4. Amend Section 2718(a) of Title 21 of the Delaware Code by deleting the first and second sentences thereof, and replacing them with the following:

"Every license shall bear thereon the distinguishing number assigned to the licensee and shall contain the license holder's full legal name, date of birth, gender, full facial digital photograph, address of principal residence in this State, license issuance and expiration dates, brief description of the licensee for the purpose of identification, shall have a space for the signature of the licensee, and any other information determined necessary by the Division."

Section 5. Amend Section 3102(b) of Title 21 of the Delaware Code by deleting the existing subsection in its entirety and inserting in lieu thereof the following:

"(b) Every application shall state the full legal name, social security number, if eligible, date of birth, gender, and address of principal residence in this State of the applicant, whether or not the applicant holds a Real ID Act compliant driver license or identification card in this or any other state and any other information determined necessary by the Division. The applicant must sign a declaration, under penalty of perjury, that the information presented by the applicant is true and correct. The Division shall promulgate rules and regulations regarding the issuance of Real ID complaint and non-compliant driver licenses, which shall incorporate by reference the applicable provisions of 6 CFR 37."

49 Section 6. Amend Section 3104(a) of Title 21 of the Delaware Code by deleting the first sentence therein, and
50 substituting in lieu thereof the following:

51 “Every identification card shall bear thereon the distinguishing number assigned to the holder and shall contain the
52 full legal name, date of birth, address of principal residence in this State, gender, and full facial digital photograph
53 of the holder taken by the Department of Transportation and a brief description of the holder for purposes of
54 identification.”

55 Section 7. Severability Clause.

56 If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity
57 shall not affect other provisions or applications of the act which can be given effect without the invalid provision or
58 application, and to that end the provisions of this act are declared to be severable.

SYNOPSIS

The U.S. Department of Homeland Security established minimum standards for state-issued driver licenses and identification cards that federal agencies would accept when Delaware residents board a commercial aircraft or enter a federal facility. The Division of Motor Vehicles seeks the authorization to issue both Real ID Act compliant and non-compliant documents to give Delaware citizens the option to obtain an identification document that meets their individual needs. This bill enables the Division to issue driver license and identification cards, when certified by the U.S. Department of Homeland Security, acceptable for use by federal agencies for official purposes in accordance with Section 202(d)(11) of the Real ID Act and Title 6 CFR, Part 37.

Author: Sen. Bushweller