

(Added Pub. L. 112-141, div. C, title I, §31204(a), July 6, 2012, 126 Stat. 760.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

CHAPTER 303—NATIONAL DRIVER REGISTER

Sec.

- 30301. Definitions.
- 30302. National Driver Register.
- 30303. State participation.
- 30304. Reports by chief driver licensing officials.
- 30305. Access to Register information.
- [30306. Repealed.]
- 30307. Criminal penalties.
- 30308. Authorization of appropriations.

Editorial Notes

AMENDMENTS

2021—Pub. L. 117-58, div. B, title IV, §24218(b), Nov. 15, 2021, 135 Stat. 831, struck out item 30306 “National Driver Register Advisory Committee”.

§ 30301. Definitions

In this chapter—

(1) “alcohol” has the same meaning given that term in regulations prescribed by the Secretary of Transportation.

(2) “chief driver licensing official” means the official in a State who is authorized to—

(A) maintain a record about a motor vehicle operator’s license issued by the State; and

(B) issue, deny, revoke, suspend, or cancel a motor vehicle operator’s license issued by the State.

(3) “controlled substance” has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(4) “motor vehicle” means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle operated only on a rail line.

(5) “motor vehicle operator’s license” means a license issued by a State authorizing an individual to operate a motor vehicle on public streets, roads, or highways.

(6) “participating State” means a State that has notified the Secretary under section 30303 of this title of its participation in the National Driver Register.

(7) “State” means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(8) “State of record” means a State that has given the Secretary a report under section 30304 of this title about an individual who is the subject of a request for information made under section 30305 of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 973.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30301	23:401 (note).	Oct. 25, 1982, Pub. L. 97-364, §202, 96 Stat. 1740.

In clauses (4) and (5), the words “public streets, roads, or highways” are substituted for “highway” and “‘highway’ means any road or street” for consistency in the revised title.

In clause (4), the words “rail line” are substituted for “rail or rails” for consistency in the revised title.

The definitions of “Secretary”, “Register”, and “Register system” are omitted as surplus because the complete name of the Secretary of Transportation and the National Driver Register are used the first time the terms appear in a section.

Statutory Notes and Related Subsidiaries

PROTECTION OF DOMESTIC VIOLENCE AND CRIME VICTIMS FROM CERTAIN DISCLOSURES OF INFORMATION

Pub. L. 109-162, title VIII, §827, Jan. 5, 2006, 119 Stat. 3066, provided that: “In developing regulations or guidance with regard to identification documents, including driver’s licenses, the Secretary of Homeland Security, in consultation with the Administrator of Social Security, shall consider and address the needs of victims, including victims of battery, extreme cruelty, domestic violence, dating violence, sexual assault, stalking or trafficking, who are entitled to enroll in State address confidentiality programs, whose addresses are entitled to be suppressed under State or Federal law or suppressed by a court order, or who are protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).”

IMPROVED SECURITY FOR DRIVERS’ LICENSES AND PERSONAL IDENTIFICATION CARDS

Pub. L. 116-260, div. U, title X, §1001(c), Dec. 27, 2020, 134 Stat. 2306, provided that: “Notwithstanding any other provision of law (including regulations), beginning on the date of the enactment of this Act [Dec. 27, 2020], a State does not need to require an applicant for a driver’s license or identification card to provide separate documentation of the applicant’s Social Security account number in order to comply with the requirements of the REAL ID Act of 2005 (division B of Public Law 109-13; 49 U.S.C. 30301 note).”

Pub. L. 116-136, div. B, title VI, §16006, Mar. 27, 2020, 134 Stat. 545, provided that: “The Secretary of Homeland Security, under the authority granted under section 205(b) of the REAL ID Act of 2005 (Public Law 109-13; 49 U.S.C. 30301 note) shall extend the deadline by which States are required to meet the driver license and identification card issuance requirements under section 202(a)(1) of such Act until not earlier than September 30, 2021.”

Pub. L. 110-177, title V, §508, Jan. 7, 2008, 121 Stat. 2543, provided that:

“(a) MINIMUM DOCUMENT REQUIREMENTS.—

“(1) MINIMUM REQUIREMENTS.—For purposes of section 202(b)(6) of the REAL ID Act of 2005 [div. B of Pub. L. 109-13] (49 U.S.C. 30301 note), a State may, in the case of an individual described in subparagraph (A) or (B) of paragraph (2), include in a driver’s license or other identification card issued to that individual by the State, the address specified in that subparagraph in lieu of the individual’s address of principle residence.

“(2) INDIVIDUALS AND INFORMATION.—The individuals and addresses referred to in paragraph (1) are the following:

“(A) In the case of a Justice of the United States, the address of the United States Supreme Court.

“(B) In the case of a judge of a Federal court, the address of the courthouse.

“(b) VERIFICATION OF INFORMATION.—For purposes of section 202(c)(1)(D) of the REAL ID Act of 2005 (49 U.S.C. 30301 note), in the case of an individual described in subparagraph (A) or (B) of subsection (a)(2), a State need only require documentation of the address appearing on the individual’s driver’s license or other identification card issued by that State to the individual.”

Pub. L. 109-13, div. B, title II, May 11, 2005, 119 Stat. 311, as amended by Pub. L. 115-323, § 2, Dec. 17, 2018, 132 Stat. 4443; Pub. L. 116-260, div. U, title X, § 1001(b), Dec. 27, 2020, 134 Stat. 2304, provided that:

“SEC. 201. DEFINITIONS.

“In this title, the following definitions apply:

“(1) DRIVER’S LICENSE.—The term ‘driver’s license’—

“(A) means a motor vehicle operator’s license, as defined in section 30301 of title 49, United States Code; and

“(B) includes driver’s licenses stored or accessed via electronic means, such as mobile or digital driver’s licenses, which have been issued in accordance with regulations prescribed by the Secretary.

“(2) IDENTIFICATION CARD.—The term ‘identification card’—

“(A) means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State; and

“(B) includes identification cards stored or accessed via electronic means, such as mobile or digital identification cards, which have been issued in accordance with regulations prescribed by the Secretary.

“(3) OFFICIAL PURPOSE.—The term ‘official purpose’ includes but is not limited to accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

“(5) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

“SEC. 202. MINIMUM REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.

“(a) MINIMUM STANDARDS FOR FEDERAL USE.—

“(1) IN GENERAL.—Beginning 3 years after the date of the enactment of this division [May 11, 2005], a Federal agency may not accept, for any official purpose, a driver’s license or identification card issued by a State to any person unless the State is meeting the requirements of this section.

“(2) STATE CERTIFICATIONS.—The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary may prescribe by regulation.

“(3) LIMITATION.—The presentation of digital information from a mobile or digital driver’s license or identification card to an official of a Federal agency for an official purpose may not be construed to grant consent for such Federal agency to seize the electronic device on which the license or card is stored or to examine any other information contained on such device.

“(b) MINIMUM DRIVER’S LICENSE AND IDENTIFICATION CARD REQUIREMENTS.—To meet the requirements of this section, a State shall include, at a minimum, the following information and features on, or as part of, each driver’s license and identification card issued to a person by the State:

“(1) The person’s full legal name.

“(2) The person’s date of birth.

“(3) The person’s gender.

“(4) The person’s driver’s license or identification card number.

“(5) A digital photograph of the person, which may be the photograph taken by the State at the time the person applies for a driver’s license or identification card or may be a digital photograph of the person that is already on file with the State.

“(6) The person’s address of principal residence.

“(7) The person’s signature.

“(8) Security features designed to prevent tampering, counterfeiting, or duplication of the driver’s license or identification card for fraudulent purposes.

“(9) A common machine-readable technology, with defined minimum data elements.

“(c) MINIMUM ISSUANCE STANDARDS.—

“(1) IN GENERAL.—To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver’s license or identification card to a person:

“(A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person’s full legal name and date of birth.

“(B) Documentation showing the person’s date of birth.

“(C) The person’s social security account number or verification that the person is not eligible for a social security account number.

“(D) Documentation showing the person’s name and address of principal residence.

“(2) SPECIAL REQUIREMENTS.—

“(A) IN GENERAL.—To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

“(B) EVIDENCE OF LAWFUL STATUS.—A State shall require, before issuing a driver’s license or identification card to a person, valid documentary evidence that the person—

“(i) is a citizen or national of the United States;

“(ii) is an alien lawfully admitted for permanent or temporary residence in the United States;

“(iii) has conditional permanent resident status in the United States;

“(iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;

“(v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

“(vi) has a pending application for asylum in the United States;

“(vii) has a pending or approved application for temporary protected status in the United States;

“(viii) has approved deferred action status;

“(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; or

“(x) is a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau who has been admitted to the United States as a nonimmigrant pursuant to a Compact of Free Association between the United States and the Republic or Federated States.

“(C) TEMPORARY DRIVERS’ LICENSES AND IDENTIFICATION CARDS.—

“(i) IN GENERAL.—If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver’s license or temporary identification card to the person.

“(ii) EXPIRATION DATE.—A temporary driver’s license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant’s authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

“(iii) DISPLAY OF EXPIRATION DATE.—A temporary driver’s license or temporary identifica-

tion card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.

“(iv) RENEWAL.—A temporary driver’s license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver’s license or temporary identification card has been extended by the Secretary of Homeland Security.

“(3) ELECTRONIC PRESENTATION OF IDENTITY AND LAWFUL STATUS INFORMATION.—A State may accept information required under paragraphs (1) and (2) through the use of electronic transmission methods if—

“(A) the Secretary issues regulations regarding such electronic transmission that—

“(i) describe the categories of information eligible for electronic transmission; and

“(ii) include measures—

“(I) to ensure the authenticity of the information transmitted;

“(II) to protect personally identifiable information; and

“(III) to detect and prevent identity fraud; and

“(B) the State certifies to the Department of Homeland Security that its use of such electronic methods complies with regulations issued by the Secretary.

“(4) VERIFICATION OF DOCUMENTS.—To meet the requirements of this section, a State shall implement the following procedures:

“(A) Before issuing a driver’s license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of the information and documentation required to be presented by the person under paragraph (1) or (2).

“(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

“(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 [Pub. L. 104–208, div. C, 8 U.S.C. 1324a note] (110 Stat. 3009–664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver’s license or identification card.

“(d) OTHER REQUIREMENTS.—To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers’ licenses and identification cards:

“(1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

“(2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.

“(3) Subject each person applying for a driver’s license or identification card to mandatory facial image capture.

“(4) Establish an effective procedure to confirm or verify a renewing applicant’s information.

“(5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver’s license or identification card, the State shall resolve the discrepancy and take appropriate action.

“(6) Refuse to issue a driver’s license or identification card to a person holding a driver’s license issued

by another State without confirmation that the person is terminating or has terminated the driver’s license.

“(7) Ensure the physical security of locations where drivers’ licenses and identification cards are produced and the security of materials, records, and data from which drivers’ licenses and identification cards are produced.

“(8) Subject all persons authorized to manufacture or produce drivers’ licenses and identification cards to appropriate background checks.

“(9) Establish fraud detection and prevention training programs for appropriate employees engaged in the issuance of drivers’ licenses and identification cards.

“(10) Limit the period of validity of all driver’s licenses and identification cards that are not temporary to a period that does not exceed 8 years.

“(11) In any case in which the State issues a driver’s license or identification card that does not satisfy the requirements of this section, ensure that such license or identification card—

“(A) clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and

“(B) uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose.

“(12) Provide electronic access to all other States to information contained in the motor vehicle database of the State.

“(13) Maintain a State motor vehicle database that contains, at a minimum—

“(A) all data fields printed on drivers’ licenses and identification cards issued by the State; and

“(B) motor vehicle drivers’ histories, including motor vehicle violations, suspensions, and points on licenses.

“SEC. 203. TRAFFICKING IN AUTHENTICATION FEATURES FOR USE IN FALSE IDENTIFICATION DOCUMENTS.

“(a) CRIMINAL PENALTY.—[Amended section 1028 of Title 18, Crimes and Criminal Procedure.]

“(b) USE OF FALSE DRIVER’S LICENSE AT AIRPORTS.—

“(1) IN GENERAL.—The Secretary shall enter, into the appropriate aviation security screening database, appropriate information regarding any person convicted of using a false driver’s license at an airport (as such term is defined in section 40102 of title 49, United States Code).

“(2) FALSE DEFINED.—In this subsection, the term ‘false’ has the same meaning such term has under section 1028(d) of title 18, United States Code.

“[SEC. 204. Repealed. Pub. L. 116–260, div. U, title X, § 1001(b)(3), Dec. 27, 2020, 134 Stat. 2305.]

“SEC. 205. AUTHORITY.

“(a) PARTICIPATION OF SECRETARY OF TRANSPORTATION AND STATES.—All authority to issue regulations, set standards, and issue grants under this title shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.

“(b) EXTENSIONS OF DEADLINES.—The Secretary may grant to a State an extension of time to meet the requirements of section 202(a)(1) if the State provides adequate justification for noncompliance.

“SEC. 206. REPEAL.

“[Repealed section 7212 of Pub. L. 108–458, formerly set out below.]

“SEC. 207. LIMITATION ON STATUTORY CONSTRUCTION.

“Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code.

“SEC. 208. NOTIFICATION OF REQUIREMENTS AND DEADLINES.

“During the 15-month period beginning 90 days before the date on which Federal agencies will no longer ac-

cept, for official purposes, driver's licenses and identification cards that do not comply with the requirements under section 202, aircraft operators and third party reservation entities shall notify passengers about the requirements and enforcement deadlines under this Act [div. B of Pub. L. 109-13, see Short Title of 2005 Amendment note set out under section 1101 of Title 8, Aliens and Nationality]."

Pub. L. 108-458, title VII, § 7212, Dec. 17, 2004, 118 Stat. 3827, which prohibited acceptance by a Federal agency, for any official purpose, of a driver's license or personal identification card issued by a State more than 2 years after the promulgation of minimum standards unless the driver's license or personal identification card conformed to such minimum standards, and directed the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to establish such standards not later than 18 months after Dec. 17, 2004, was repealed by Pub. L. 109-13, div. B, title II, § 206, May 11, 2005, 119 Stat. 316.

EVALUATION AND ASSESSMENT OF ALTERNATIVES

Pub. L. 105-178, title II, § 2006(c), June 9, 1998, 112 Stat. 336, provided that:

"(1) EVALUATION.—The Secretary shall evaluate the implementation of chapter 303 of title 49, United States Code, and the programs under sections 31106 and 31309 of such title and identify alternatives to improve the ability of the States to exchange information about unsafe drivers and to identify drivers with multiple licenses.

"(2) TECHNOLOGY ASSESSMENT.—The Secretary, in conjunction with the American Association of Motor Vehicle Administrators, shall conduct an assessment of available electronic technologies to improve access to and exchange of motor vehicle driving records. The assessment may consider alternative unique motor vehicle driver identifiers that would facilitate accurate matching of drivers and their records.

"(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a report on the results of the evaluation and technology assessment, together with any recommendations for appropriate administrative and legislative actions.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (2) \$250,000 in the aggregate for fiscal years beginning after September 30, 1998."

Executive Documents

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 30302. National Driver Register

(a) ESTABLISHMENT AND CONTENTS.—The Secretary of Transportation shall establish as soon as practicable and maintain a National Driver Register to assist chief driver licensing officials of participating States in exchanging information about the motor vehicle driving records of individuals. The Register shall contain an index of the information reported to the Secretary under section 30304 of this title. The Register shall enable the Secretary (electronically or, until all States can participate electronically, by United States mail)—

(1) to receive information submitted under section 30304 of this title by the chief driver licensing official of a State of record;

(2) to receive a request for information made by the chief driver licensing official of a par-

ticipating State under section 30305 of this title;

(3) to refer the request to the chief driver licensing official of a State of record; and

(4) in response to the request, to relay information provided by a chief driver licensing official of a State of record to the chief driver licensing official of a participating State, without interception of the information.

(b) ACCURACY OF INFORMATION.—The Secretary is not responsible for the accuracy of information relayed to the chief driver licensing official of a participating State. However, the Secretary shall maintain the Register in a way that ensures against inadvertent alteration of information during a relay. The Secretary shall make continual improvements to modernize the Register's data processing system.

(c) TRANSITION FROM PRIOR REGISTER.—(1) The Secretary shall provide by regulation for the orderly transition from the register maintained under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), to the Register maintained under this chapter.

(2)(A) The Secretary shall delete from the Register a report or information that was compiled under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), and transferred to the Register, after the earlier of—

(i) the date the State of record removes it from the State's file;

(ii) 7 years after the date the report or information is entered in the Register; or

(iii) the date a fully electronic Register system is established.

(B) The report or information shall be disposed of under chapter 33 of title 44.

(3) If the chief driver licensing official of a participating State finds that information provided for inclusion in the Register is erroneous or is related to a conviction of a traffic offense that subsequently is reversed, the official immediately shall notify the Secretary. The Secretary shall provide for the immediate deletion of the information from the Register.

(d) ASSIGNMENT OF PERSONNEL.—In carrying out this chapter, the Secretary shall assign personnel necessary to ensure the effective operation of the Register.

(e) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—

(1) AGREEMENT.—The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

(2) REQUIRED DEMONSTRATION.—Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of