

HB 1103-FN-A – AS INTRODUCED

2014 SESSION

14-2029
03/04

HOUSE BILL ***1103-FN-A***

AN ACT authorizing optional enhanced drivers' licenses and optional enhanced nondrivers' picture identification cards.

SPONSORS: Rep. Coffey, Hills 25; Rep. Parison, Hills 25

COMMITTEE: Transportation

ANALYSIS

This bill authorizes optional enhanced drivers' licenses and optional enhanced nondrivers' picture identification cards.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1103-FN-A – AS INTRODUCED

14-2029
03/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT authorizing optional enhanced drivers' licenses and optional enhanced nondrivers' picture identification cards.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subparagraph; Collection Biometric Data Prohibited; Exceptions. Amend RSA 260:10-b,
2 II by inserting after subparagraph (c) the following new subparagraph:

3 (d) The taking, use, and retention of facial images and signatures required for an
4 enhanced driver's license or enhanced nondriver's picture identification card under RSA 263:1-d.

5 2 Nondriver's Picture Identification Card; Fee. Amend RSA 260:21, V(a) to read as follows:

6 V.(a) The fee for such card shall be \$10 and is not refundable, except that no fee shall be
7 charged to any person who, for reason of health or age, turns in his or her driver's license before the
8 expiration date of such license. For purposes of this section, reasons of age shall be deemed to apply
9 only to those persons over age 65. ***An enhanced nondriver's picture identification card shall***
10 ***be issued pursuant to RSA 263:1-d only after payment of an additional fee of \$30, which***
11 ***shall not be subject to the provisions of RSA 260:22.*** A person who requires a photo
12 identification card only for voter identification purposes may obtain a voucher in the form provided
13 for in subparagraph (b) from his or her town or city clerk or the secretary of state exempting the
14 voter from the identification card fee. Upon presentation of the voucher to the division, the actual
15 costs of issuing the card shall be paid by the secretary of state from the election fund established
16 under RSA 5:6-d. An identification card paid for by the secretary of state shall be valid for voter
17 identification purposes only, and the card, which shall be known as a voter identification card, shall
18 be marked "for voter identification only."

19 3 New Section; Enhanced Drivers' Licenses and Identification Cards. Amend RSA 263 by
20 inserting after section 1-c the following new section:

21 263:1-d Enhanced Drivers' Licenses and Identification Cards.

22 I. The department may enter into a memorandum of understanding with any federal agency
23 for the purpose of obtaining approval of an enhanced driver's license or enhanced nondriver's picture
24 identification card as proof of identity and citizenship for persons entering the United States at land
25 and sea ports.

26 II.(a) The department may issue an enhanced driver's license or enhanced nondriver's
27 picture identification card to an applicant who provides satisfactory proof of his or her full legal
28 name, United States citizenship, identity, date of birth, social security number, and residence
29 address, a photographic identity document, and any other documents that may be required by the
30 responsible federal agency.

HB 1103-FN-A – AS INTRODUCED

- Page 2 -

1 (b) An applicant may choose to apply for a standard driver's license or standard
2 nondriver's picture identification card or an enhanced driver's license or enhanced nondriver's
3 picture identification card.

4 (c) An enhanced driver's license or enhanced nondriver's picture identification card shall
5 include reasonable security measures to protect against unauthorized disclosure of personal
6 information regarding residents of this state that is contained in the enhanced driver's license or
7 enhanced nondriver's picture identification card.

8 (d) An enhanced driver's license or enhanced nondriver's picture identification card may
9 include radio frequency identification technology that is limited to a randomly assigned number
10 which shall be encrypted if agreed to by the Department of Homeland Security, and does not include
11 biometric data. The department shall ensure that the radio frequency identification technology is
12 secure from unauthorized data access and includes reasonable security measures to protect against
13 unauthorized disclosure of personal information. An applicant shall be required to sign a declaration
14 acknowledging his or her understanding of the radio frequency identification technology before he or
15 she is issued an enhanced driver's license or enhanced nondriver's picture identification card.

16 (e) The requirements of this section are in addition to the requirements otherwise
17 imposed on individuals who apply for a standard driver's license or standard nondriver's picture
18 identification card.

19 (f) All laws applicable to the holder of a standard driver's license shall apply to the
20 holder of an enhanced driver's license issued under this section.

21 (g) The issuance of an enhanced driver's license shall not negate or cancel any actions
22 pending against an applicant's driver's license at the time of issuance.

23 (h) The issuance of an enhanced driver's license or enhanced nondriver's picture
24 identification card shall not modify the expiration date of a standard driver's license or standard
25 nondriver's picture identification card.

26 III.(a) An applicant who chooses to apply for an enhanced driver's license or enhanced
27 nondriver's picture identification card shall provide all of the following items to the department in
28 the manner prescribed by the department:

29 (1) A completed application indicating the applicant's full legal name, any legal
30 name change resulting from the applicant's adoption, marriage, divorce, or a court order, date of
31 birth, residence address, height, gender, eye color, social security number, signature, and, if
32 applicable, the applicant's intention to be an organ donor as provided under RSA 291-A.

33 (2) Documentation demonstrating the applicant's United States citizenship, full legal
34 name, any legal name change resulting from the applicant's adoption, marriage, divorce, or a court
35 order, date of birth, residence address, and social security number.

36 (3) The applicant's signed certification that the information presented by the
37 applicant is true and correct to the best of the applicant's knowledge.

HB 1103-FN-A – AS INTRODUCED

- Page 3 -

1 (4) The fee prescribed under RSA 263:42, I or RSA 260:21, V.

2 (b) An applicant who applies for an enhanced driver's license or enhanced nondriver's
3 picture identification card shall have his or her facial image and signature captured or reproduced by
4 the department at the time of application. A person's facial image or signature may be made
5 available by this state and used as follows:

6 (1) By a federal, state, or local government agency for any law enforcement purpose
7 authorized by law.

8 (2) By another state to the extent required by federal law.

9 (3) By the department for any purpose specifically authorized by law.

10 (4) For any other purpose as determined by the department, if a person provides his
11 or her written authorization for the release of his or her own facial image or signature.

12 (5) As otherwise required by law.

13 (c) Except as otherwise provided under subparagraph (b), the department shall not
14 disclose a person's facial image, signature, social security number, or copies or digital images of
15 documents retained under this section.

16 (d) An enhanced driver's license or enhanced nondriver's picture identification card
17 issued under this section shall not display a person's social security number on the face of the card.

18 (e) The department shall examine and verify the genuineness, regularity, and legality of
19 every application and other documentation submitted to the department for an enhanced driver's
20 license or enhanced nondriver's picture identification card, and may in all cases investigate as the
21 department considers necessary or require additional information, and shall reject any application if
22 not satisfied of the genuineness, regularity, and legality of the application or supporting
23 documentation or the truth of any statement contained in the application or supporting
24 documentation, or for any other reason authorized by law. A decision by the department to reject an
25 application under this section may be appealed under RSA 541.

26 (f) The department shall retain copies or digital images of documents provided by the
27 applicant to the department under this section.

28 (g) The facial image of an applicant for a license or card under this section who was not
29 issued an enhanced driver's license or enhanced nondriver's picture identification card shall be
30 retained for not less than one year, unless fraud is suspected, in which case a record containing the
31 applicant's facial image and the reason for denial shall be retained for not less than 10 years.

32 (h) The department may disclose digital images of documents retained under this section
33 to a federal, state, or local government agency for any law enforcement purpose authorized by law.
34 Except as otherwise provided in this section, copies or digital images of documents retained under
35 this section are exempt from disclosure under the right-to-know law, RSA 91-A.

36 (i) The department shall not compile or maintain a database under this section that may
37 be shared with a country other than the United States or any international agency.

HB 1103-FN-A – AS INTRODUCED

- Page 4 -

1 IV. A person who makes a false certification or statement in applying for an enhanced
2 driver's license or enhanced nondriver's picture identification card is guilty of a class B felony.

3 4 Driver's License Fees. Amend RSA 263:42, I to read as follows:

4 I. For each original driver's license and examination or driver's license renewal, other than
5 for a commercial vehicle or motorcycle- \$50; **for each enhanced driver's license- \$80; for each**
6 **enhanced driver's license modification to an existing driver's license without a change in**
7 **expiration date- \$30;** for each youth operator's license and examination- \$10 per year, not to exceed
8 \$50; for each license issued to a nonresident alien for less than 5 years- \$10 per year or portion
9 thereof; for each original commercial driver license and examination or commercial driver license
10 renewal- \$60; for each commercial driver license reexamination in a one-year period- \$20; for each
11 commercial vehicle endorsement, renewal of an endorsement, or removal of a restriction- \$10; for
12 each special motorcycle original license and examination or special motorcycle license renewal- \$50;
13 for each original motorcycle endorsement- \$25; for each 3-wheeled motorcycle endorsement- \$25; for
14 each motorcycle endorsement and 3-wheeled motorcycle endorsement renewal- no charge. For each
15 original driver's license issued, \$5 shall be credited to the driver training fund established by RSA
16 263:52. Except as provided in RSA 263:14 and RSA 263:39-a, III, every license shall expire on the
17 licensee's birthdate in the fifth year following the issuance of such license. No fee collected under this
18 paragraph shall be refunded once an examination has been taken or a license issued, except as
19 provided in RSA 263:43.

20 5 Driver's License Fees; Duplicates. Amend RSA 263:42, IV to read as follows:

21 IV. A duplicate copy of a photographic license or a new license with a different classification
22 because of a commercial driver license disqualification may be issued for a fee of \$10. **A duplicate**
23 **copy of an enhanced driver's license may be issued for a fee of \$40.** For the purpose of this
24 chapter, the term "duplicate copy" shall mean an additional license containing an indicator that the
25 license is a duplicate. A new photograph need not be taken.

26 6 Effective Date. This act shall take effect January 1, 2015.

HB 1103-FN-A - FISCAL NOTE

AN ACT authorizing optional enhanced drivers' licenses and optional enhances nondrivers' picture identification cards.

FISCAL IMPACT:

The Department of Safety states this bill, **as introduced**, will increase state highway fund revenues by \$260,640 in FY 2015, \$326,730 in FY 2016, \$531,390 in FY 2017, and \$529,290 in FY 2018, will increase local revenues by \$31,277 in FY 2016, \$39,208 in FY 2017, and \$63,767 in FY 2018, and increase state highway fund expenditures by \$198,626 in FY 2015, \$92,168 in FY 2016, \$106,921 in FY 2017, and \$131,410 in FY 2018. There will be no impact on county revenue or expenditures, or local expenditures.

METHODOLOGY:

The Department of Safety states this bill would authorize optional enhanced driver's and non-driver's licenses, which could be used as a cross-border document to enter the United States by land or sea, denoting both identity and citizenship, per the Western Hemisphere Travel Initiative. The Department estimates the following revenue and expenditure impact as a result of this bill:

	FY 2015	FY 2016	FY 2017	FY 2018
Current Driver License and Non-Driver ID Cards	347,522	217,826	354,257	352,865
Estimated Enhanced Identification Participation (5%)	17,376	10,891	17,713	17,643
Estimated Enhanced Revenue (@ \$30 Additional Fee)	\$521,280	\$326,730	\$531,390	\$529,290
January 1, 2015 Implementation Date Adjustment	(\$260,640)	-	-	-
Total Estimated Highway Fund Revenue	\$260,640	\$326,730	\$531,390	\$529,290

	FY 2015	FY 2016	FY 2017	FY 2018
Consulting Programming Costs (\$175/hr @ 750 hrs)	\$131,250	-	-	-
Information Sharing Annual Fee	\$50,000	\$50,000	\$50,000	\$50,000
Additional Cost per License / ID (\$1 per ID)	\$17,376	\$10,891	\$17,713	\$17,643
Local Highway Aid (12% Prior Year HWY Fund Rev.)	-	\$31,277	\$39,208	\$63,767
Total Estimated Highway Fund Expenditures	\$198,626	\$92,168	\$106,921	\$131,410

The Department assumes that implementation of this bill would align with the implementation of the new "Vision" system, which the Department is currently in the process of implementing. If the Department were required to implement the requirements of this bill sooner than when the "Vision" system is implemented, it could incur additional programming costs using the old system, which is estimated to be in excess of \$1,000,000.