

SENATE FILE NO. SF0038

Real ID compliance.

Sponsored by: Joint Transportation, Highways and Military  
Affairs Interim Committee

A BILL

for

1 AN ACT relating to the federal Real ID Act; amending  
2 Wyoming's motor vehicle statutes to allow Wyoming to comply  
3 with federal law; establishing an expiration for prior  
4 hazardous materials endorsement test results; conforming  
5 other statutes; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9       **Section 1.** W.S. 7-19-106(a)(xvi), 7-19-201(a) by  
10 creating a new paragraph (xiii), 8-7-101, 31-7-103,  
11 31-7-106(d)(i), 31-7-111(a), (b)(x), by creating a new  
12 paragraph (xi) and by creating a new subsection (g),  
13 31-7-113(f)(i), 31-7-115(a)(iii)(C), (D) and by creating a  
14 new subparagraph (J), 31-7-119(a), (b) and (f) by creating  
15 a new paragraph (iv), 31-8-101, 31-8-102(a)(vi) through,  
16 (viii) and by creating a new paragraph (ix), 31-8-103(a),

(c)(ii) and by creating a new subsection (d) and 31-8-104 are amended to read:

**7-19-106. Access to, and dissemination of, information.**

(a) Criminal history record information shall be disseminated by criminal justice agencies in this state, whether directly or through any intermediary, only to:

(xvi) The department of transportation for purposes of dealer and wholesaler licensing and permitting under title 31, chapter 16 and for purposes of performing background checks required by W.S. 31-7-103(b);

**7-19-201. State or national criminal history record information.**

(a) The following persons shall be required to submit to fingerprinting in order to obtain state and national criminal history record information:

(xiii) Employees, prospective employees and volunteers of the Wyoming department of transportation, as

1 necessary to perform the background checks required by W.S.  
2 31-7-103(b) .

3  
4 **8-7-101. Tribal identification cards.**

5  
6 An identification card issued by the governing body of the  
7 Eastern Shoshone tribe of Wyoming or Northern Arapahoe  
8 tribe of Wyoming that includes the requirements of W.S.  
9 31-8-102(a)(i) through (vi) and (ix) shall be considered a  
10 valid form of identification for all purposes for which an  
11 identification card issued under W.S. 31-8-101 may be used.

12  
13 **31-7-103. Administration and enforcement.**

14  
15 (a) The administration of this act shall be exercised  
16 by the department which may prescribe forms and reasonable  
17 rules and regulations in conformity with this act. The  
18 department shall keep records of all monies received and  
19 disbursed. The records shall be open to examination by the  
20 director of the state department of audit or his designee  
21 and the audit division of the legislative service office.  
22 The highway patrol and all peace officers of any county or  
23 municipality shall aid in the enforcement of this act.

1       (b) The department shall perform background checks on  
2 all persons engaged in the manufacture or production of  
3 driver's licenses or state identification cards including,  
4 but not limited to, all persons who have the ability to  
5 affect identity information appearing on driver's licenses  
6 or identification cards. The background check shall  
7 include a verification of any references and a name and  
8 fingerprint based criminal history records check. The  
9 background check also shall include a check of the federal  
10 bureau of investigation's databases and the Wyoming  
11 department of criminal investigation's database. The  
12 department shall by rule and regulation establish criteria  
13 for the qualification of persons permitted to access  
14 documents described under this section.

15  
16       (c) The department shall require fraudulent document  
17 recognition training for all employees handling those  
18 documents listed in W.S. 31-7-111(a) or engaged in the  
19 issuance of driver's licenses or identification cards.

20  
21       **31-7-106. License required; limited to one license.**

22  
23       (d) The division shall:  
24

1           (i) Notify the issuing jurisdiction that the  
2 licensee is not licensed in Wyoming and, if requested by  
3 the issuing jurisdiction, return any surrendered license to  
4 the issuing jurisdiction together with information if the  
5 licensee is now licensed in Wyoming; or

6  
7           **31-7-111. Application for license or permit**  
8 **generally.**

9  
10          (a) Every application for instruction permit,  
11 driver's license, commercial driver's license or commercial  
12 driver instruction permit shall be made upon a form  
13 furnished by the division. Every application shall be  
14 accompanied by the proper fee, proof of residence and, ~~if~~  
15 ~~the applicant has not previously been licensed in this~~  
16 ~~state or another jurisdiction,~~ proof of identity. Proof of  
17 identity shall be established by a certified copy of the  
18 applicant's birth certificate, valid unexpired United  
19 States passport, consular report of birth abroad,  
20 certificate of citizenship, certificate of naturalization,  
21 permanent resident card, employment authorization document,  
22 foreign passport (with United States visa affixed and  
23 accompanied by an approved document documenting the  
24 applicant's most recent admittance to the United States),

1 state issued driver's license or identification card which  
2 complies with federal law and applicable regulations, or  
3 other document required by the division to establish  
4 identity where reasons beyond the applicant's control  
5 prevent the applicant from presenting the documents  
6 required by this subsection.

7  
8 (b) The application shall include:

9  
10 (x) Any other information or documentation  
11 required by the department- to validate information or  
12 identity;

13  
14 (xi) A signed declaration indicating that the  
15 information provided is true and correct under the penalty  
16 of perjury.

17  
18 (g) The department may modify the requirements of  
19 subsection (b) of this section by properly adopted rule or  
20 regulation for driver's license or identification card  
21 applications received from federal, state or local criminal  
22 justice agencies, or other similarly situated persons,  
23 where applicable law or regulation requires that limited  
24 information be provided.

1

2       **31-7-113. Fees.**

3

4       (f) Notwithstanding W.S. 31-7-115(b), any licensee on  
5 active duty in the armed forces of the United States who is  
6 stationed outside the state of Wyoming, or his spouse or  
7 dependent child who has a valid driver's license issued  
8 under this chapter, may obtain a license with an updated  
9 photograph and the same expiration date of the current  
10 license without payment of any fee, unless renewing under  
11 W.S. 31-7-119, if:

12

13       (i) While outside the state, the person  
14 surrenders the current license; ~~and submits an updated~~  
15 ~~color photograph certified by military officials to be a~~  
16 ~~photograph of the person;~~ or

17

18       **31-7-115. Issuance, description and contents.**

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20       (a) Upon the satisfactory completion of any required  
21 examination, the division shall issue to every qualifying  
22 applicant a driver's license, and:

23

1 (iii) The driver's license shall include, but  
2 not be limited to, the following information:  
3

4 (C) The full legal name, any identifying  
5 numbers or letters deemed appropriate, date of birth,  
6 ~~mailing~~ principal residence address, height, weight and sex  
7 of the licensee. Unless otherwise required by federal law,  
8 the social security number of the person shall not be  
9 required on a driver's license; ~~. The division shall provide~~  
10 ~~on the application form required by W.S. 31-7-111(a) an~~  
11 ~~option for the applicant to include his social security~~  
12 ~~number on his driver's license;~~  
13

14 (D) A full facial digital color photograph  
15 of the licensee;  
16

17 (J) Any other information required by the  
18 department.  
19

20 **31-7-119. Expiration and renewal; required tests;**  
21 **extension.**  
22

23 (a) Every driver's license shall expire on the  
24 licensee's birthday in the fourth year following the



1 issuance of the license. ~~Every driver's license is~~  
2 ~~renewable within one hundred twenty (120) days before its~~  
3 ~~expiration upon application, payment of the required fee~~  
4 ~~and satisfactory completion of the examination required or~~  
5 ~~authorized by subsection (b) of this section. The division~~  
6 ~~may renew a driver's license more than one hundred twenty~~  
7 ~~(120) days before its expiration if the applicant states in~~  
8 ~~writing that he will not be in the state during the one~~  
9 ~~hundred twenty (120) days before the license expires.~~

10  
11 (b) The division shall require every person applying  
12 for renewal of a driver's license to take and successfully  
13 pass a test of his eyesight. The division may require any  
14 applicant to take and successfully pass any additional  
15 tests or provide affidavits required or authorized under  
16 the original application as the division finds reasonably  
17 necessary to determine his qualification according to the  
18 type or class of license. The written test for a hazardous  
19 materials endorsement shall be taken and passed if the  
20 person wants to retain an "H" endorsement unless the  
21 applicant's written test results are less than two (2)  
22 years old.

1 (f) Once in any eight (8) year period, a driver's  
2 license may be extended for a four (4) year period without  
3 the examination required by subsection (b) of this section  
4 for a licensee:

5  
6 (iv) Who does not have a material change in any  
7 personally identifiable information that requires the  
8 applicant to present one (1) of the documents listed in  
9 W.S. 31-7-111(a).

10  
11 **31-8-101. Issuance to residents by department;**  
12 **restrictions.**

13  
14 (a) Any Wyoming resident may be issued an  
15 identification card by the department of transportation.  
16 The application shall state ~~the~~ his full legal name,  
17 ~~correct age~~ social security number, date of birth and any  
18 other identifying data the department may require and shall  
19 be signed and verified by the applicant. The  
20 identification card shall at the applicant's request  
21 indicate that the applicant is an anatomical organ donor as  
22 provided by W.S. 35-5-112.

23

1 (b) The department shall not issue an identification  
2 card until documentary evidence of the applicant's age and  
3 identity has been ~~received~~verified using documents as  
4 provided by W.S. 31-7-111.

5  
6 **31-8-102. Contents.**

7  
8 (a) The identification card shall resemble a Wyoming  
9 driver's license. It shall have:

10  
11 (vi) The registrant's ~~picture~~full facial  
12 digital color photograph;

13  
14 (vii) The following: "State of Wyoming" -  
15 "Identification Card No. ...." - "This card is provided  
16 solely for the purpose of identification of the person  
17 described on the card";~~and~~

18  
19 (viii) As provided for in W.S. 31-7-139;~~;~~ and

20  
21 (ix) The registrant's usual signature unless the  
22 registrant is unable to make a signature.

23  
24 **31-8-103. Expiration; records; new cards.**

1

2 (a) Identification cards shall ~~not~~ expire on the  
3 registrant's birthday in the eighth year following issuance  
4 of the identification card. The department shall keep  
5 records of data contained in identification cards.

6

7 (c) If any information contained in the  
8 identification card becomes inaccurate, or if it is desired  
9 to withdraw or insert notice of anatomical organ donation,  
10 the person to whom it was issued may obtain a new card  
11 upon:

12

13 (ii) Furnishing ~~the same~~ all documentary  
14 evidence ~~as for an~~ necessary to verify any material change  
15 to information listed on the original identification card;  
16 and

17

18 (d) The division shall send an application for an  
19 identification card to the last known address of every  
20 eligible registrant within one hundred twenty (120) days  
21 prior to expiration of the registrant's identification  
22 card. Every identification card is renewable upon  
23 application and payment of the required fee.

24

1                    **31-8-104.    Fees.**