

Legislative/Regulatory Alert

To: Chief Motor Vehicle Administrators
Chief Law Enforcement Officers
AAMVA Government Affairs Committee

FR: Neil D. Schuster, President & CEO

DATE: January 9, 2009

RE: Legislation Withholding Federal Highway Funds for
Noncompliance with Real ID



On January 6, 2009, Representative Elton Gallegly (R-CA) introduced H.R. 140; legislation that would withhold certain highway funds if a State does not comply with certain requirements in issuing a driver's license or identification card. Specifically, the bill states that, "notwithstanding any other provision of law, if a State does not comply with the requirements of section 202 of title II of Division B of Public Law 109-13 (the Real ID Act), the Secretary of Transportation shall withhold a percentage of the amount to be apportioned for Federal-aid highways." The legislation further delineates the withholding of funds for noncompliance for calendar years 2010 and on as follows:

- Calendar year 2010 – 2 percent
- Calendar year 2011 – 4 percent
- Calendar year 2012 – 6 percent
- Calendar year 2013 and each calendar year thereafter – 8 percent

The legislation also **strikes** paragraph 11 of section 202 (d) of the Real ID Act. This paragraph states that:

- 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 –
 - Clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and
 - 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.

AAMVA understands the extremely contentious nature of this legislation and will work with its jurisdictional membership, the National Governor's Association (NGA) and the National Conference of State Legislatures (NCSL) to develop an appropriate response. The AAMVA Board of Directors, in collaboration with the AAMVA Government Affairs Committee, is addressing the issue.