

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 445

Short Title: Prevent REAL ID Implementation. (Public)

Sponsors: Representative Bradley (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary.

March 24, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PREVENT THE ADOPTION OF THE FEDERAL REAL ID ACT IN NORTH
3 CAROLINA.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 20 of the General Statutes is amended by adding a new
6 section to read:

7 **"§ 20-6.1. Compliance with the REAL ID Act of 2005.**

8 (a) The General Assembly determines that the Congress of the United States has issued
9 an unfunded mandate for the production and clearance of the State's drivers licenses with the
10 passage of Title II of P.L. 109-13, the REAL ID Act of 2005, and compliance with the
11 provisions of the REAL ID Act of 2005 will result in a fiscal cost that the State cannot afford.
12 As used in this act, "REAL ID Act of 2005" also includes any federal act or acts similar in
13 nature and scope. The General Assembly hereby declares that no State agency shall comply
14 with the requirements of the REAL ID Act of 2005.

15 (b) The Division of Motor Vehicles is prohibited from:

- 16 (1) Using Radio Frequency Identification (RFID) technology or microchips on
17 drivers licenses in any form.
18 (2) Amending any procedures for applying for a drivers license or identification
19 card in order to comply with the standards of the REAL ID Act of 2005.
20 (3) Expanding motor vehicle records data it shares with other states, the federal
21 government, or other agencies or providing data to any additional states or
22 State or federal agency unless authorized by statute.
23 (4) Collecting, obtaining, or retaining any data in connection with activities
24 related to compliance with the REAL ID Act of 2005. Any biometric data
25 previously collected, obtained, or retained in connection with motor vehicle
26 registration or operation or the issuance or renewal of drivers licenses or
27 identification cards by any State department or agency must be retrieved and
28 deleted from all databases. For purposes of this section, "biometric data"
29 includes, but is not limited to:
30 a. Facial feature pattern characteristics.
31 b. Voice data used for comparing live speech with a previously created
32 speech model of a person's voice.
33 c. Iris recognition data containing color or texture patterns or codes.
34 d. Retinal scans, reading through the pupil to measure blood vessels
35 lining the retina.



1 (c) The State of North Carolina shall take all reasonable measures to ensure the privacy
2 of its citizens and shall not sell, rent, or lease for commercial purposes data collected during the
3 administration of drivers licenses.

4 (d) The DMV shall not store copies of breeder documents, such as birth certificates or
5 social security numbers, in either a database or hard paper copies. Social security numbers may
6 be used to validate the legal presence of an applicant for a drivers license or nonoperator
7 identification card if an applicant has no other means of proving identity.

8 (e) The image taken of the applicant or identification card shall not be stored in any
9 database other than for the purpose of issuing replacement licenses or licenses issued due to
10 change of address within the State."

11 **SECTION 2.** This act becomes effective May 1, 2011.