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Testimony of Wisconsin Department of Transportation
Assistant Deputy Secretary, Joel Nilsestuen
Before the Senate and Assembly Committees on Transportation.
May 30, 2024

Re: Clearinghouse Rule No. 23-042 (Trans. 102), relating to the driver licenses and identification cards.

Good afternoon and thank you to members of the committees for your consideration of the department's input on Clearinghouse Rule No. 23-042, affecting chapter Trans. 102, relating to driver licenses and identification cards.

Chapter Trans 102, Wis. Admin. Code, relating to operator's licenses and identification cards, is an existing rule chapter that provides administrative interpretation of Wis. Stat. ch. 343 relating to the issuance of operator's licenses, identification cards, and vehicle titles and registration. Chapter Trans 102 was initially written in 1982 and significantly revised in 1990, with subsequent incremental changes.

Changes made to federal and state laws affecting the issuance of driver's licenses, identification cards, and titles and registration documents in the following years make updating ch. Trans 102 necessary to correlate and track the requirements of state statutory and federal statutory and regulatory requirements. 2007 Act 20 created section 343.165 of Wisconsin's driver licensing statute which allowed for issuance of driver licenses and ID cards in a manner consistent with the provisions of REAL ID rule: 6 CFR Part 37. This statutory alignment with CFR outlined which documents could be accepted to prove an applicant's identity, the verifications that must be performed, and the markings on the card and the manner in which it is issued.

Additionally, the Wisconsin Department of Transportation's Division of Motor Vehicles (DMV) has modified internal policies regarding documentation requirements and transaction methods to reflect current technologies used to further improve the customer's experience. As a result, modifications to the rule are necessary. The proposed modifications to the existing rule will not change the objective of the rule.

Changes to state and federal laws have tightened security and identification standards for driver licenses and identification cards. Modifications to the language in ch. Trans 102 to reflect these changes will ensure that the DMV is compliant with federal requirements related to "REAL ID" (Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes (6 CFR Part 37)).

Modifications to the rule are necessary to ensure that the DMV is fully compliant with all statutory changes that have occurred since the last Wisconsin Administrative Code rule update and reflect administrative changes that have occurred since 2007. Specifically, regarding one such change, the language pertaining to the identification petition process, or IDPP, has been removed from this rule as it was established in state statute in 2017 Act 369.

Changes to ch. Trans 102 are necessary, so the department's rules are compliant with state statute and requirements for acceptability by federal agencies such as the Social Security Administration or Department of Homeland Security. The current rule does not speak to the differences between REAL ID compliant and non-compliant credentials, nor are the practices currently followed by DMV for the issuance of REAL ID credentials are not properly documented in the rule.

Perhaps the greatest risk to the public if this proposed rule is not promulgated, could occur should federal agencies find that DMV's issuance practices, and governing rules, are inconsistent with federal requirements. A severe consequence of such a finding would be the decertification of Wisconsin's REAL ID program by the Department of Homeland Security, which would result in Wisconsin's REAL ID credentials not being accepted at airports and other federal facilities. As you may already be aware, the full enforcement deadline for the REAL ID requirement is May 7, 2025. As required by law, following the enforcement deadline, federal agencies, including the Transportation Security Administration (TSA), will be prohibited from accepting driver's licenses and identification cards that do not meet these federal standards. Promulgation of this rule would ensure that the citizens of Wisconsin can continue to obtain acceptable credentials under the federal requirements.

Thank you for your time and consideration today. We are happy to try to answer any questions the committee may have.



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May 30, 2024

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RE: Germane Modification to Proposed Final Draft Rule
Trans 102, relating to Operator's Licenses and Identification Cards
CLEARINGHOUSE RULE 23-042

Dear Legislators:

The State of Wisconsin Department of Transportation (Department) hereby submits, on its own initiative, germane modifications to the proposed permanent rule CR 23-042 (Ch. Trans 102, relating to Operator's Licenses and Identification Cards), currently under review before your committees. On April 8, 2024, the Department submitted CR 23-042 to the legislature in final draft form. The Department submits these modifications to the final draft rule under s. 227.19(4)(b)3., of the statutes. The Department believes and intends that these modifications are germane to the proposed rule. The modifications are as follows:

- In the final rule draft, proposed Trans 102.15(7) prescribes a procedure for issuing a driver's license to an applicant who lacks proof of identity. There is no statutory authority for such a procedure and the department neither does nor intends to issue a driver's license under such circumstances. The remaining language in that proposed Trans 102.15(7) pertaining to identification cards is redundant of other language in the final draft rule and is deleted for clarity, by SECTION 3 below. The modifications delete proposed Trans 102.15(7) shown at page 49 of the final draft rule, and correct cross-references to that deleted subsection, as follows:

SECTION 1. At page 5, delete the sentence reading: "Sections Trans 102.15 (7) and (8) complement these provisions by allowing the department to demand more stringent identity documentation from persons who apply for products and who have presented unverifiable identity documents to the department in the past or from persons who are known victims of identity theft." and substitute: "Section Trans 102.15 (7) complements these provisions by allowing the department to demand more stringent identity documentation from persons who apply for products and who have presented unverifiable identity documents to the department in the past or from persons who are known victims of identity theft."

SECTION 2. At page 32, delete the line reading: "based upon extraordinary proof of name, date of birth, or U.S. citizenship under s. Trans 102.15 (7) or s." and substitute: "based upon extraordinary proof of name, date of birth, or U.S. citizenship under s."

SECTION 3. At page 49, delete the material beginning with "(7) (a)" and ending with "s. 343.165 (8)(b), Stats."

SECTION 4. At page 50, delete the sentence reading: "This subsection does not prohibit a person from proceeding under sub. (7) (a)."

- The final draft rule contains language allowing an applicant for a regular driver's license, a motorcycle license or an identification card to refuse to provide a social security number if the applicant has a seriously held religious belief against doing so. There is no statutory authority for this exemption, so it is deleted from the final draft rule. The statutes allow an applicant to refuse to provide a social security number only if the applicant does not have a social security number and is not eligible for one, and provides a written oath or affirmation of those facts. This germane modification includes these statutory requirements.

SECTION 5. At page 48, delete the following material:

"(c) A person who applies for a REAL ID non-compliant product is required to provide a social security number, except for:

1. A Class D license not containing a hazardous materials endorsement.
2. A Class M operator's license or an identification card if any of the following apply:
 - a. The applicant's sincerely held religious convictions do not allow the applicant to

Germane modifications to CR 23-042
Trans 102, Operator's License and Identification Cards
May 30, 2024

provide a social security number to the department. An applicant who objects to providing a social security number due to a religious conviction shall complete, sign, and date a form provided by the department detailing the religious objection.

b. The applicant does not have a social security number and submits a statement on a form provided by the department and subscribed under oath or affirmation or witnessed by a division of motor vehicles customer service representative that the applicant does not have a social security number.”

and substitute:

“(c) A person who applies for a REAL ID non-compliant product is required to provide a social security number, unless the applicant does not have a social security number and is not eligible for a social security number and submits a statement on a form provided by the department and subscribed under oath or affirmation or witnessed by a division of motor vehicles customer service representative that the applicant does not have a social security number and is not eligible for a social security number.”

These modifications have been typed into the final draft rule, including “GERMANE MODIFICATIONS” in the caption. I have adjusted the formatting to preserve the pagination of the Final Draft Rule submitted to the Legislature, to assist in comparing the GERMANE MODIFICATIONS with the Final Draft Rule. I have included the revised final draft rule with this letter.

If you have any questions or concerns about this submission, please contact me at (608) 261-0126, or Paul.Nilsen@dot.wi.gov.

Very truly yours,

Paul E. Nilsen

Paul E. Nilsen
Assistant General Counsel

Encls.

cc: Linsay Hale, Acting Senate Chief Clerk (via e-mail only w/attachments)
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Senator Steve Nass (via e-mail only w/attachments)
Representative Adam Neylon (via e-mail only w/attachments)
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STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
GERMANE MODIFICATIONS
PROPOSED ORDER ADOPTING PERMANENT RULE

The Wisconsin Department of Transportation proposes an order to: **Repeal** Trans 102.02 (4), 102.025 (2) (Note), 102.07 (intro.), 102.09 (4), (6), 102.10, 102.11 (2) (Note), 102.17, 102.18, and 102.20 (2) (i) (Note); **Renumber and amend** Trans 102.02 (6n) and (8), 102.025 (2), and 102.09 (title), (1), (2), (3), and (5); **Amend** Trans 102.02 (4p), (Note), (6r) (a), (7) (a), (b), and (7m), 102.025 (title), (3) (a) (intro.), 102.07 (title), 102.11 (title), (1) (intro.), 102.20 (2) (g), (10) (a) (Note), (13) (a), 102.21 (2) (b) and (4), and 104.06 (3) (a) (intro.), 1., and 2. and (Note); **Repeal and recreate** Trans 102.02 (6), (9), and (10), 102.03, 102.04, 102.07 (2), (3), 102.11 (2), 102.14, 102.15, 102.16, 102.19, and 102.20 (2) (i); **Create** Trans 102.02 (4s), (7p), (7r), (7v), and (11), 102.025 (1e), (1m), (1s), (2) (a), (b), (c), (3) (a) 6., 102.11 (3), (Note), (4), (5), (6), (Note), 102.145, 102.21 (1) (am), (2) (am), and 102.24, relating to operator's licenses and identification cards.

The Statement of Scope for this Permanent Rule, SS-034-22, was approved by the Governor on April 14, 2022, published in Register No. 794B on April 22, 2022, and approved by the Secretary of the State of Wisconsin Department of Transportation (department) Craig Thompson, as required by s. 227.135 (2), Stats., on March 22, 2022. The analysis below was prepared by the department.

ANALYSIS

Statutes Interpreted: Chapters 340 and 343, Stats.

Statutory Authority: Sections 85.16 (1); 343.02; 343.055 (1) (a) and (5); 343.06 (1) (c), (cm), (e), (g), and (3); 343.065 (1) and (3) (b); 343.07 (4) (b) and (c); 343.085 (1) (b), (2m) (b) 1. a., (3), and (5); 343.12 (2) (dm), (4) (b), (7) (a), (c), (d), (8) (a), (b), and (c); 343.14 (2) (im) 1m. a. and b.; 343.15 (1) (a) and (4) (a); 343.16 (1) (a) and (2) (a), (c), and (d); 343.165 (5); 343.17 (6); 343.20 (1) (c) and (d) 2.; 343.21 (3); 343.247 (2) (a); 343.305 (11); 343.315 (2) (d); 343.32 (2) (a), (4), and (5); 343.43 (1) (f); 343.51 (2) (a) and (2m) (b); and 343.61 (4) (b) and (5m), Stats.

Explanation of Agency Authority: Section 343.02 (1), Stats., requires the department to administer and enforce ch. 343, Stats., and provides authority for the department to promulgate such rules as the secretary considers necessary to effectuate that end. The department has broad authority to adopt rules to implement and enforce the various provisions of ch. 343, Stats., relating to driver licensing and issuance of identification documents. The department is required to adopt rules consistent with federal REAL ID and commercial driver licensing requirements.

Related Statute or Rule: Chapters 340-349 and 351, Stats.

Plain Language Analysis: This rulemaking will bring Wisconsin into compliance with federal REAL ID and commercial driver statutes and regulations. Congress passed the REAL ID Act in 2005 which implemented the 9/11 Commission's recommendation to "set standards for the issuance of sources of identification, such as operator's licenses." <http://www.dhs.gov/real-id-public-faqs>. On or after May 2025,

it is expected that federal agencies will only accept REAL IDs for official federal purposes, which includes boarding federally regulated commercial aircraft, accessing federal facilities that require identification to enter, and entering nuclear power plants.

This chapter pertains to any person applying for a Wisconsin original, reissue, reinstatement, renewal, or duplicate operator's license or identification card (ID), and vehicle title or registration. To ensure that Wisconsin operator's license and ID holders can continue to use their licenses and IDs for federal official purposes, this rulemaking conforms to the Wisconsin statutes and federal laws related to the issuance of driver licenses and IDs, including the Federal Commercial Motor Vehicle Safety Act of 1986 and the Federal Real ID Act of 2005, as amended, and federal regulations implementing those laws. The federal REAL ID standards, however, do not permit the use of a number of mechanisms Wisconsin has long accepted as sufficient identification for purposes of driver licensing or obtaining a state ID. Accordingly, consistent with existing statutes, this rule proposes to permit use of documentation long accepted in this state for those purposes as sufficient for obtaining a product that does not meet federal REAL ID standards, but that meets Wisconsin standards. Those products will bear a notation indicating they are not valid for federal identification purposes and will not carry the REAL ID star logo. Inclusion of a photograph of the driver and social security number in the Wisconsin Division of Motor Vehicles (DMV) database of driver files advances this security goal, regardless of whether the license document issued to the individual is REAL ID compliant.

Notwithstanding the new documentation and verification requirements for issuance of a DMV product, s. 343.165 (7), Stats., grants DMV broad authority to ignore those new requirements if the product issued does not contain the "REAL ID star" that indicates compliance with federal REAL ID standards and if the product is issued "in compliance with applicable department practices and procedures that were in effect on December 31, 2012." Section 343.165 (5) and (7), Stats., allows the department to continue to apply old practices and procedures during the conversion of Wisconsin to issuance of REAL ID compliant operator's licenses. This rulemaking allows persons who were issued REAL ID non-compliant products prior to January 1, 2013, to renew those products without verifying legal status, identity, or documents provided in support of their application.

Section 1. Repeals the definition "centrally issued" because the term is not used in ch. Trans 102.

Section 2. Deletes mention of fees from s. Trans 102.02 (4p) because duplicate ID card products may be issued without charge under s. 343.50 (5) (a) 3., Stats. The note to that provision is also amended to direct readers to the statutory provisions related to duplicate product fees.

Section 3. Creates a definition for "extension card." An extension card amends an existing product by extending its expiration date. A person who arrives at a DMV customer service center without documentation needed for the type of product they seek may have their existing product extended for 60 days to provide the person with an opportunity to gather the needed documentation.

Section 4. Repeals the definition "license examiner." The term was only used in s. Trans 102.15 (5) (a), which is also repealed by this rulemaking. Instead, this rulemaking recreates s. Trans 102.02 (6) to define "material change." This term is used only once in this chapter, in s. Trans 102.14 (8) (b), when discussing

facts that will cause DMV to require an in-person appearance to renew a product. The definition is drawn from federal REAL ID regulations and is intended to be interpreted and applied consistent with those regulations. The drafting style mimics the federal regulation and includes the definition similar to 6 CFR 37.3 in the rule rather than incorporating the provisions directly in s. Trans 102.14 (8) (b). The rule's intent is to parallel the federal style and follow the federal REAL ID requirements for product issuance. Though the Legislative Reference Bureau recommends only incorporating definitions when the definition is used more than once, (LRB Admin Rules Manual s. 1.07 (1)), "material change" is intentionally created to mirror federal regulations.

Section 5. Renumbers a section to conform with rule drafting style. "Motor vehicle service center" is replaced with the department's preferred usage, "DMV customer service center."

Section 6. Amends definition, "name" to parallel the requirements under 6 CFR 37.3, which defines "full legal name." The rule requires REAL ID compliant products to include the entire middle name rather than only a middle initial. Unlike the federal regulation, Wisconsin drafting standards do not use "(s)" to express the possibility of a term being used in the singular or plural form. Instead, that is a default rule of statutory interpretation under s. Trans 102.02 (intro.) and s. 990.001 (1), Stats. Persons with multiple first, middle, or last names must provide all their names under this regulation. No other information, aside from generational suffixes, are permitted as part of the name. This includes titles of respect, such as Mr., Ms., Mrs., or Dr.

This section also substitutes "license or identification card" for "product" (See Section 10) and deletes the requirement that a photo must be printed.

Section 7. Creates the definition "product" as a shorthand for operator's licenses, IDs, driver receipts, and other documents. This is consistent with DMV internal administrative practice and reduces the need to repeatedly describe operator's licenses, identification cards, driver receipts, and other documents. The term "product" is substituted for "operator's license," "identification card," and similar terms throughout the rule.

Similarly, created s. Trans 102.02 (7r) defines "REAL ID" to describe products issued in a manner that meet federal identification requirements for such purposes as air travel and entering federal courthouses. A REAL ID can be identified by a star on the face of the document. The primary federal regulations related to REAL ID requirements are found at 6 CFR part 37.

Section Trans 102.02 (7t) defines "REAL ID non-compliant product" to describe any product issued by the department that does not meet the federal REAL ID standards. These products do not bear the REAL ID star indicator and may bear a notation that the product is not valid for federal identification purposes.

Section 8. Amends a definition to improve readability. As amended, "reinstate" distinguishes actions that can be taken to terminate operator's licenses from those taken to terminate ID cards. ID cards, for example, cannot be disqualified in the same way a commercial driver license may be disqualified if the driver holding the license is disqualified under state or federal law. ID cards may only be cancelled whereas operator's licenses may be cancelled, suspended, revoked, or disqualified.

Section 9. Repeals and recreates two definitions. Under this chapter, “resident” includes persons who are living in the United States. Foreign visitors who hold a visa, such as a student visa, may qualify for a Wisconsin operator’s license as a Wisconsin resident, even though their federal resident status is temporary by virtue of their temporary visa. Products issued to such persons are labeled to identify the persons as temporary visitors or non-domiciled CDL holders as set forth in s. Trans 102.17.

This section also defines “social security number” (SSN) as the entire 9-digit number. For identification issuance purposes under this chapter, a partial number is not acceptable.

Section 10. Defines “verify” to mirror the U.S. Department of Homeland Security (DHS) requirements set forth at 6 CFR 37.13, which double-checks the authenticity of identity documents such as driver licenses, social security cards, visas, and passports. The verification process is designed to check whether any source document presented as part of an application is genuine and has not been altered, and whether the identity data contained on the document is valid. The definition parallels the federal REAL ID definition of “verify” found in 6 CFR 37.3.

Section 11. Amends a section title to include the verification process and for improved readability.

Section 12. Creates three subsections. Under created s. Trans 102.025 (1e), all documents presented in connection with an application for a product must be genuine and valid, except that ch. Trans 102 permits expired documents to be used as proof of identity in limited situations. These requirements are consistent with 6 CFR 37.11 (c), which require unexpired valid documentation to qualify for REAL ID issuance. Federal documents issued by the U.S. Customs and Immigration Service (USCIS) are not considered expired if they are extended by an I-797 Notice of Action or other official USCIS action extending the term of the document.

Section Trans 102.025 (1m) imposes the signature and date requirements set forth in 6 CFR 37.11 (b), which requires applicants be subject to prosecution for perjury under 18 USC 1621 and 28 USC 1746 if they falsify an application for a REAL ID compliant product. This section also requires the affirmation, applicant signature, and date the applicant signed before the department may accept the application. The last sentence of the provision requires all three items be included in an application before acceptance. A product issued upon an application accepted in error may be cancelled. See s. 343.25 (4), Stats.

Section 343.165, Stats., and 6 CFR 37.13 require the department to verify the authenticity of SSNs and documents presented with an application for a driver license or ID. Created s. Trans 102.025 (1s) implements 6 CFR 37.13, which requires the department to verify SSNs and documents presented as part of driver license or ID application. This regulation requires DMV to verify at least the minimum number of documents, the data in those documents, and the applicant’s SSN in the manner required by federal law before issuing any license or ID card bearing the federal REAL ID compliant symbol. SSNs are verified, but original cards are not required for REAL ID issuance. Consolidated Appropriations Act of 2021, Public Law 116-260, s. 1001(c) 134 Stat. 2306. If the department determines that an applicant submitted an invalid SSN or document, the department will decline to issue the product and may retain possession of the allegedly false document.

Section 13. Clarifies that the department may retain suspected fraudulent documents and the department may not accept those documents for the purpose of issuing a driver license, ID card, title, or registration.

Section Trans 102.025 (3) allows the department to confiscate documents that prove to be invalid. Section Trans 102.15 (7) complements these provisions by allowing the department to demand more stringent identity documentation from persons who apply for products and who have presented unverifiable identity documents to the department in the past or from persons who are known victims of identity theft.

Section 14. Repeals an obsolete note.

Section 15. Allows the department to reject and retain supporting documents for an application if the department verifies that a photograph or signature matches a person other than the applicant. An application supported by bogus documents establishing identity may be rejected. DMV may retain such documents for further investigation or share them with law enforcement if the photographs, signature, or reproduction signature on the document appears to match a different individual.

The department may exercise discretion to investigate and reject documents bearing signatures or photographs that do not clearly match other records for that individual. The intent of this rule revision is not for department staff to engage in routine handwriting analysis, rather to provide a basis for further analysis where a clear match is not evident.

Section 16. Provides a list of circumstances when DMV will confiscate apparently bogus identification documents. The department may, but is not required to, share such documents with law enforcement.

Section 17. Lists identifiers, such as signatures and photographs, that will lead the department to investigate if the identifiers on the document appear to not match identifiers of the person known to the department.

Section 18. Creates photograph requirements for REAL IDs. The photo requirements listed in s. Trans 102.03 are drafted to mirror the requirements found in 6 CFR 37.17 (e). The department may not issue a REAL ID compliant product without a photograph. A full facial image is required. Head coverings are not permitted, unless a head covering is worn for religious reasons, in which case the head covering may be worn but must be pushed back to permit capture of a full facial image. Similarly, hair needs to be pushed back from the face. The iris and pupil must be clearly visible. Prosthetic appliances are permitted. A relaxed facial expression is required.

Federal REAL ID requires product holders be photographed at least once every 16 years. 6 CFR 37.25 (a) (1). Section Trans 102.03 (3) requires a new photograph of a driver being taken every 8 years with limited exceptions. A duplicate product will have the same expiration date as an original product. The exceptions do not permit use of a photo more than 16-years-old, in accordance with the federal requirement, and include:

- The issuance of duplicate products, such as a product issued when an original is lost or destroyed.

- Renewed products if the department has a photograph on file for the person that will be 16 or fewer years old at the product's expiration date.
- Persons in the military.
- Persons more than 65 years of age who hold ID cards that do not expire.

Because federal law requires REAL ID products to expire and be replaced with new stock bearing a current photo as described above, non-expiring ID cards issued under s. 343.50 (5) (d), Stats., will not be REAL ID compliant.

This rulemaking retains a longstanding practice to issue driver licenses without photographs to persons who claim their religious beliefs prevent them from being photographed. This rule is moved from s. Trans 102.03 (2) (b) to s. Trans 102.03 (3) (a). Any license issued under this exemption will not meet federal REAL ID requirements and will be labeled accordingly.

Persons in Wisconsin correctional facilities may be issued noncompliant products using photographs taken by the Wisconsin Department of Corrections under proposed s. Trans 102.03 (4). Having the Department of Corrections take driver license and ID photos of prisoners avoids the expense and safety risk of transporting prisoners to DMV facilities.

Persons who have no religious objection to being photographed, but who object to having their visage viewed by the opposite sex in a public setting such as a DMV service center may make special application to the department to have their photograph taken in a more private setting. The same photograph standards will apply, but accommodations may be made before or after regular business hours for a same-sex photographer to capture the facial image for DMV processing purposes.

Section 19. Specifies the format requirements for Wisconsin REAL ID compliant and non-compliant products. DHS directs states to indicate compliance with federal REAL ID requirements by adding a star to the product. This repealed and recreated section compliments ss. 343.17 and 343.50, Stats., and describes security features now found on Wisconsin driver license and ID cards. Federal law prohibits the department from disclosing the exact nature of security features implemented for use on products. See 49 CFR 15 and 1520 and 6 CFR 37.15 (b).

Section 343.03 (3), Stats., requires legends indicating whether a license is a regular, commercial driver, motorcycle only, special restricted, occupational, or probationary license. Sections 343.03 (3m) and 343.50 (3) (a), Stats., require legends apply to Class D or M licenses or IDs issued to a person who has temporary legal status in the United States indicating that the license is for a limited term. Section 343.03 (3m), Stats., requires commercial driver licenses (CDL) issued to such persons bear the legend "Nondomiciled." This CDL requirement stems from federal requirements of 49 CFR 383.153 (c).

This section allows federal judges and victims of domestic violence to use an address other than their home address on their driver license. Federal judges may use their courthouse address under Federal Court Security Improvement Act of 2007, P.L. 110-177; 121 Stat. 2543; 49 USC 30301, note. Victims of domestic violence may use the Wisconsin Department of Justice's "Safe at Home" program established under s. 165.86, Stats., which forwards mail sent to a common program post office address, in lieu of a physical

address, out to individuals who are enrolled in the program. The alternate addresses used by these persons are acceptable for federal REAL ID issuance purposes, 6 CFR 37.17 (f) (2). Such persons protected under either federal law may apply to the Wisconsin Department of Justice to participate in the Safe at Home program and to protect their physical address from disclosure.

Section 20. Amends a title.

Section 21. Describes CDL issuance and driver record checks for CDL issuance. Under s. 343.06 (2), Stats., the department may not issue a CDL, including a renewal or reinstated license, or reinstate a person's authorization to operate a commercial motor vehicle in any of the following circumstances:

- During any period of disqualification under s. 343.315, Stats., or 49 CFR 383.51, or under the law of another jurisdiction, if the person is disqualified from operating a commercial motor vehicle under circumstances similar to those specified in s. 343.315, Stats., or 49 CFR 383.51.
- The Federal Motor Carrier Safety Administration (FMCSA) determines that the person is no longer qualified to operate a commercial motor vehicle under 49 CFR 391.
- The person's operating privilege is revoked, suspended, or canceled.

The department currently uses the Problem Driver Pointer System (PDPS) or the State Pointer Exchange Service (SPES), or both, to access the National Driver Registry. If PDPS is inoperable, the National Driver Registry will be inaccessible to the department. Therefore, the department will not be able to issue any type of license when the PDPS system is inoperable. Similarly, if SPES is inoperable, the department will be unable to issue a product.

49 USC 31311 prohibits states from issuing a CDL to any person who is disqualified from operating a commercial motor vehicle or to any person whose driver license is revoked, suspended, or canceled. Section 343.06 (1) (b), Stats., prohibits the department from issuing any license, except an occupational license, to a person who is subject to suspension or revocation. Those requirements mandate that DMV check a person's license status upon renewal or when the applicant moves from out of state to Wisconsin. The amendments to s. Trans 102.07 reflect current department practices used to comply with federal and state record-check mandates.

Section 22. Renumbers subsections of current s. Trans 102.09 to s. Trans 102.03 for improved readability. This section allows the department to determine whether a product photo needs to be retaken if the photograph is indistinguishable, unclear, incomplete, shows a temporary disfigurement that no longer exists, or if the department's copy of the photograph becomes lost or destroyed. A retake under these requirements will be taken free of charge. If the person requests a retake and the department determines the photo meets the standard for inclusion on a product, the person must apply for a duplicate product and pay the associated fee.

Section 23. Repeals an obsolete provision.

Section 24. Requires persons who are notified by the department that their photo needs to be retaken to comply within 30 days of notification. If the person fails to comply, their driver license or ID card will be cancelled.

Section 25. Repeals a duplicative provision.

Section 26. Repeals and recreates the section title to reflect the amended section content. Section Trans 102.11 deals with DMV licensing fees and proration of fees. This rule repeals existing provisions allowing for manual calculation of fees if DMV computer systems are not functioning.

Section 27. Clarifies a title and introduction.

Section 28. Repeals an obsolete provision. Section Trans 102.11 (2) allows DMV to manually calculate fees if DMV's computer systems are not functioning. DMV is no longer capable of issuing a driver license or ID card if its computer systems are down. Fees for licenses are prorated if the department issues a license document; fees for ID cards are never prorated, ss. 343.50 (5) (a) 1., and 343.50 (5m), Stats. The recreated rule reflects the department's current practice of not charging for ID cards issued for voting. Reviving an expired time-dependent restriction results in issuance of a duplicate license subject to the fees laid out in this section.

Section 29. Repeals an obsolete note.

Section 30. Clarifies when the department will waive fees for reissuing a license. Existing s. Trans 102.14 (6) is renumbered s. Trans 102.11 (3) and continues to provide that DMV does not charge a fee to replace a defective product or to correct a department error. DMV will reissue a license to Class D and M without charge to add or remove a restriction, such as an eyeglass restriction. CDL holders, on the other hand, may be charged for changes affecting their commercial motor vehicle operating privilege. Section Trans 102.11 (4) reflects the statutory mandate that DMV charges a duplicate license issuance fee to a CDL holder whose commercial motor vehicle operating privilege is amended by the addition or removal of a K or L license restriction. For example, a CDL holder who does not have authorization to operate air brake equipped vehicles on a current license (L restriction), passes all examinations required for removal of that restriction, and seeks to have that air-brake restriction removed from their CDL will pay a reissuance fee when the new license is generated. Similarly, a driver whose license is restricted to intrastate operation only (K restriction) may qualify for interstate operation but will have to pay a fee when the driver license is reissued. See s. 343.21 (1) (g) and (h), Stats. This section supplements and interprets the fee provisions of s. 343.21, Stats., and does not repeat the substantive provisions of that section. See s. 343.20 (1) (a), Stats., regarding the department's authority to prorate license fees. See s. 343.21 (1) (e) and (L), Stats., for the fees associated with adding an endorsement to a license. Fees for ID cards of all types are set in s. 343.50 (5) (a), (5m), and (7), Stats.

Section 31. Describes the issuance process for license and ID products and consolidates various provisions. This process is greatly changed from the past. In the 1920s, when DMV first began issuing driver licenses, license applications and documents were mailed from a central location to the licensed driver. Over time, licensing procedures and testing requirements shifted to in-person issuance at DMV customer service

centers. States are now discouraged from issuing products at myriad sites under federal REAL ID issuance regulations. Instead, a secure license issuance system is used to prevent card stock and identity theft, including mailing the product document to the applicant and marking these letters as non-forwardable. This helps ensure the applicant actually resides at the address reported to the department. If the person does not live at the reported address, the mailed license document may not be delivered and may not reach the person.

Proof of identity establishes the person's full legal name in accordance with s. 343.14 (2) (a), Stats. This rule also states that if DMV computer systems or equipment are not functioning, DMV is unable to issue a license or ID to a person. The modern licensing system requires computer coordination between DMV's computer system and state and federal agency computer systems and various other systems such as PDPS, Commercial Driver License Information System, SPES, Social Security Online Verification system, and the Systematic Alien Verification for Entitlements system. Failures in any of the systems used to enter or verify data, or in communication links between systems, may result in the department being unable to take an application or issue a product to a customer while at a customer service center.

This rule also states DMV will not issue a license to an applicant if their driver information cannot be verified or is false. If DMV issues a temporary product, it will not issue a permanent product to that person until the issue that led to the temporary product issuance is resolved.

The revision repeals s. Trans 102.14 (1m) because DMV now mails all driver licenses and ID cards, excluding temporary products, to recipients. This provision allowed DMV to mail certain products in situations where over-the-counter delivery was not appropriate or impossible. With the elimination of on-site product delivery, the provision is unnecessary.

This section codifies the current DMV practice of issuing a temporary product to a driver license or ID card applicant, including an applicant for a free ID card for purposes of voting. The product is valid between the date of application and the date the permanent mailed product is delivered to the person, or, if the person turns out to be ineligible for the product, the date that determination is made.

In general, products issued to persons with temporary legal presence in the United States expire no later than the date the person's legal status expires. If a temporary resident's legal presence is extended, a duplicate product may be issued for the extended period of legal presence. DHS has issued guidance to states to reconcile the provisions of the federal REAL ID Act of 2005 and that agency's regulations with the compacts of free association between the United States and the Federated States of Micronesia, Palau, and the Marshall Islands. Most nationals of those countries can freely enter the United States as long as they have a valid passport without the need for a visa. They are permitted to stay and work in the United States indefinitely and are not required to hold a work authorization document. This provision recognizes the DHS guidance and the superiority of U.S. foreign treaties over statutory and regulatory laws, 8 CFR 274a.2 (b) (1) (v) (A) (6) and 274a.12 (a) (8).

This section also describes special circumstances where the contents of a product may differ from the average product. For example, non-CDL drivers whose legal status in the United States is temporary, such as international students, will have "limited term" printed on their license or ID, see s. 343.03 (3m), Stats.

CDL licenses will use a different term, “non-domiciled,” as required by federal law, see s. 343.03 (3m), Stats., 49 CFR 383.5, and 383.23 (b) (1) and (2).

Diacritical marks such as umlauts, tildes, or acute accents are not part of a product name under this rule. Names such as “Klär,” “Muñoz,” or “García” will be shown as “Klarr,” Munoz,” and “Garcia.” This translation system has been used by the department for decades and the rule simply codifies the practice. Names outside the Latin alphabet, such as Chinese, Korean, and Arabic names are commonly phoneticized.

The rule governs issuance of temporary extension cards for driver licenses being renewed. This rulemaking allows an extension of a license for a driver seeking to renew a license when additional processing time is needed. Temporary extension cards for purposes of a person passing an examination are specifically authorized by s. 343.16 (6) (b), Stats. The department issues temporary extension cards for the other purposes pursuant to its administrative authority set forth in s. 343.02 (1), Stats. A person who lacks required documentation or evidence for a REAL ID can receive a time extension to acquire the documentation. Similarly, a veteran may be given time to sort out veteran qualifications with the Department of Veteran Affairs or a county veteran association. Additional time may be granted when DMV requires an examination prior to licensing, for example, when a medical condition affects the driver or when computer systems or other problems present DMV from processing the person’s application promptly. A temporary extension allows the person to drive for 60 days.

This rulemaking allows DMV to renew or issue a product issued before 2013 without verifying the authenticity of documents supporting the application, provided the document issued does not include the star indicating that the product is a REAL ID, is not a CDL, and the applicant provides evidence of the person’s legal presence in the United States.

This section allows DMV to issue products without requiring customers appear in person at a DMV customer service center. In general, if the information on a product will not be changed, DMV may renew the product online. If the person’s name, date or place of birth, SSN, sex, hair or eye color, height, weight, driver license or ID card number, vehicle classes authorized, or license endorsement changes, the person must appear at a DMV customer service center. If that person’s name has changed since the department last issued a product to that person, the new name may be used on a renewal REAL ID non-compliant product, and the document issued may bear the signature and photograph used on the last product issued to that person by the department. The person may apply for issuance of a replacement product at any time to update the photograph and signature or to obtain a REAL ID compliant product. They also may be required to appear if other regulations, such as CDL requirements, require a photograph be taken.

This rulemaking provides opportunities for DMV to reduce in-person visits to DMV customer service centers in the future. For example, if motorcycle rider course waivers are eventually electronically reported to the department, DMV would be able to reissue an applicant’s license showing the Class M and D authorization.

The department is electing not to require verification of all documents provided by the person as permitted by s. 343.165 (5), Stats. Nothing shall prevent the department from verifying information or documents.

Section 32. Creates requirements for persons moving from out of state to Wisconsin who should obtain a Wisconsin driver license. Consistent with 49 CFR 383.71 (c) and 384.212 (b), persons from other states or Washington D.C. who hold CDL licenses have only 30 days to obtain a Wisconsin CDL after moving to this state. CDL holders moving from Mexico, Canada, or U.S. territories to Wisconsin and all Class D and M drivers are allowed 60 days to obtain a Wisconsin license. See s. 343.01 (2) (g), Stats., regarding establishing residency for driver licensing purposes. This chapter constitutes the department's administrative interpretation of ss. 343.01 (2) (g) and 343.05, Stats., and is intended to be interpreted consistently with those sections of state law and relevant portions of 49 CFR parts 383 and 384.

Section 33. Interprets state statutes that require the department to identify a product applicant prior to product issuance. The amount of proof required depends on the type of product being issued. Proof of identity establishes the person's full legal name in accordance with s. 343.14 (2) (a), Stats. Applicants for driver licenses or ID cards meeting federal REAL ID requirements must provide proof consistent with the requirements of federal and state law for issuance of REAL ID compliant products. 6 CFR 37.3 and 37.11 (c) (1) (ii) allow Wisconsin to accept birth certificates from select territories, states, and places specified. Persons born in other U.S. territories need to obtain proof of identity other than a birth certificate. Neither a hospital birth certificate, a notification of birth registration, nor baptismal certificate satisfies this requirement. Effective November 1, 1986, s. 69.24 (1) (a), Stats., prohibits Wisconsin hospitals from issuing a document which appears to be a birth certificate. Persons who seek REAL ID non-compliant only need to provide proofs of identity required under state law. Under this proposed rulemaking, DMV will permit an applicant to obtain a REAL ID non-compliant product if the person requests DMV not to issue them a REAL ID, even if the person submitted all proof required for a REAL ID compliant product. Generally, documents must be valid and unexpired to be accepted by the department. For the limited purpose of proving identity for a REAL ID non-compliant product that does not meet federal REAL ID standards, the department will accept a U.S. passport that is expired 5 years or less. This is the same length of time the U.S. federal government will generally allow an expired passport to be renewed. The department will only accept the documents set out in the rule. However, this rule allows the department to incorporate changes made by DHS pursuant to 6 CFR 37.11 (c) (1) (x).

An applicant must provide proof of SSN. However, Congress, as part of the Consolidated Appropriations Act of 2021, P.L. 116-260, sec. 1001(4), eliminated the need to present an original social security card to obtain a REAL ID. Accordingly, this rulemaking only requires that a person provide an SSN as a condition for issuance. Under s. 343.14 (2) (br), Stats., a person who does not hold and is ineligible for an SSN may provide a statement explaining why and provide evidence, such as proof of legal presence, to substantiate their statement. This typically applies to persons who are residing temporarily in the United States, do not have authorization to work in the United States, and do not have an SSN. 6 CFR 37.11 (e) (2) requires the department to verify SSNs with the U.S. Social Security Administration (SSA). Consistent with s. 343.165 (1) (c), Stats., this rule requires SSNs be provided and verified as a condition to issuance of any REAL ID compliant or non-compliant product.

DMV may verify or attempt to verify any information or documentation provided in support of an application for any type of product and may decline to issue a product until the information or documentation can be verified or until alternative verifiable documentation is provided.

The following American Indian ID cards may be accepted as proof of identity to support issuance of a REAL ID non-compliant product: Red Cliff Band of Lake Superior Chippewa whose identification card was issued on or after October 1, 2003; Saint Croix Chippewa Indians of Wisconsin; Menominee Indian Tribe of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa; Bad River Band of Lake Superior Chippewa; Ho-Chunk Nation; Forest County Potawatomi; Sokaogon Chippewa Community; Mole Lake Band of Superior Chippewa whose identification card was issued on or after October 1, 2003; and Lac Courte Oreilles Band of Lake Superior Chippewa whose identification card was issued on or after October 18, 2004.

Section 343.165, Stats., prohibits use of a foreign document, other than a passport, as proof of ID. Therefore, Canadian driver licenses may not be used to establish identity in Wisconsin. For proof of identity for a non-compliant product, the department may accept a product issued by any U.S. territory.

Name change documentation, such as original or certified copies of documents issued by a court, governmental body, or other entity; or evidence that the person has used the name in a manner that qualifies the name as being legally changed under common law of Wisconsin may qualify a person for a REAL ID compliant product. See 6 CFR 37.11 (c) (2).

Section 343.06 (1) (k), Stats., prohibits the department from issuing a driver license to any person who is not a resident. Section 343.14 (2) (a), Stats., requires the residence address be provided by any driver license applicant. Sections 343.165 and 343.50 (1), Stats., require DMV to obtain documentation showing the applicant's name and address of principal residence when processing license and ID card applications, 6 CFR 37.11. The appropriate immigration documents determine legal presence, not the passport itself. The documents establishing evidence of legal presence in the United States shall be considered valid documentary proof that the individual is a U.S. citizen or national or an alien lawfully admitted for permanent or temporary residence. This rulemaking conforms with the requirements of 6 CFR 37.11 (g) (1) and include documents described in 6 CFR 37.11 (c). The department may not accept certificates of naturalization or certificates of citizenship issued by the Immigration and Naturalization Service. Only DHS-issued documents meet this requirement. REAL ID driver license or ID cards are not acceptable proof of legal presence.

The Social Security Administration's Social Security Online Verification (SSOLV) program is currently used to verify SSNs. CDL applicants must provide an SSN and are ineligible for licensure without it under 49 CFR 383.73 (g). The department interprets s. 343.165 (7) (a), Stats., as permitting issuance of non-CDL and REAL-ID noncompliant ID cards and driver license documents without scanning documentary proofs otherwise required under s. 343.165 (2) (a), Stats. The department interprets s. 343.165 (7) (b), Stats., as permitting issuance of non-compliant products to persons who were issued products prior to 2013 if the department has records of the person in its computer database. Prior to 2013, the department required the person to provide all required proofs of identity set forth in the statutes but did not require the department to retain a copy of those documents. Under 6 CFR 37.31 (a), the department now must retain images of documentary proofs for CDL and REAL ID compliant products.

In addition to DHS' Systematic Alien Verification for Entitlements system, DHS has authorized use of the American Association of Motor Vehicle Administrators' verification of legal status system, and the U.S.

Passport Verification Service as alternate acceptable mechanisms for verifying the legal presence of a person in the United States. The department uses any or all of these systems to verify legal presence.

49 CFR 383.71 (b) (8) requires permanent residents who apply for an H endorsement to provide the alien number issued to the applicant by USCIS. Federal law prohibits the department from accepting an alien registration receipt card in lieu of a permanent resident card. Alien registration receipt cards were issued prior to 1977. Persons possessing those cards are required to obtain a resident alien card, federal Form 551.

Maildrop facilities at non-postal service locations, such as Mailboxes Etc., may not be used as an address under this rule and products may not be mailed to maildrop addresses.

This rulemaking also repeals duplicative provisions relating to persons who seek identification solely for purposes of voting. Documentation requirements for voting are set forth in s. 343.165 (8), Stats.

Section 34. Recreates provisions relating to product validity after issuance. To reduce administrative costs, the department has historically issued products that expire 8 years from an applicant's next birthday and has allowed drivers to renew products within the one year period preceding expiration of their present ID or license. Section 343.20 (1) (a), Stats., permits the department to institute a system of issuance to provide for a uniform rate of product renewal. The department uses product holder's birthdays to distribute issuance throughout the calendar year. Under 6 CFR 37.5 (a) and 49 CFR 383.73 (a) (9), states are prohibited from having licenses that extend more than 8 years from the date of issuance. Strict application of this federal requirement would prevent Wisconsin from following its longstanding practice of issuing renewal products to drivers in the months before expiration and having the license extend 8 years from the expiration date of the driver's current product. Notwithstanding the language of the federal regulation, FMCSA has advised states that it will not object to states following practices like Wisconsin's, which allows for license expiration on birthdays and renewal of licenses during the period before the expiration date. Accordingly, the department does not propose to change its current 8-year licensing cycle system. DHS has found Wisconsin's current 8-year renewal cycle to comply with their requirements.

Noncitizen products terminate on the date the product holder's legal status ends according to the proofs of legal status they provide to the department when applying for the product. Two and 3-year licenses expire 2 and 3 years, respectively, after an applicant's next birthday.

H endorsement holders are subject to background checks at least once every 5 years.

2015 Wis. Act 55 created s. 343.50 (5) (d), Stats., which allows persons 65-years or older to obtain ID cards that do not expire. ID cards that do not expire will not be REAL ID compliant.

Section 35. Repeals s. Trans 102.17 because recreated s. Trans 102.16 covers temporary operator's licenses. Current s. Trans 102.17 (2) (c) is repealed because the department allows motorcycle operators to take exams on an expired permit.

Section 36. Repeals s. Trans 102.18 because recreated s. Trans 102.16 covers issuance period.

Section 37. Repeals and recreates s. Trans 102.19 to mirror statutory requirements. Section 343.07 (1g), Stats., requires persons be at least 15 years old to obtain an instruction permit, pass the knowledge test, and be otherwise qualified to obtain a license in this state. Males ages 18 to 25 are also notified that, upon submission of their application, their data will be shared with, and they will be registered with, the selective service. Section 343.07 (2), Stats., ties eligibility for an instruction permit to driving skills training. Section 343.06 (1) (c), Stats., prohibits issuance of a license to any person under 16-years-old except for “Class D” instruction permits issued under s. 343.07 (1g), Stats. Section 343.07 (1g), Stats., states that instruction permits do not authorize operation of mopeds or motor bicycles. Therefore, no instruction permit may be issued for a moped or motor bicycle to a person who is less than 16-years-old.

Section 38. Repeals the definition, “livestock feeder” to mirror the Wisconsin Department of Agriculture, Trade and Consumer Protection. See Section 43.

Section 39. Mirrors statutory definition found in s. 95.715 (1) (b), Stats.

Section 40. Repeals an obsolete note.

Section 41. Changes Division of Motor Vehicle Services Center to DMV customer service center and updates a cross reference to prorated fees.

Section 42. Creates a definition for domestic partner and allows for domestic partners of the minor’s parent to sponsor the minor’s application for a driver license. The rule also allows a minor’s domestic partner to sponsor the minor’s application for a driver license. Corrects a cross reference.

Section 43. Allows the department to investigate any information, affirmation, or document provided as part of an application to determine its authenticity.

Section 44. Amends provisions in ch. Trans 104, which deals with knowledge and skills testing for drivers. Provisions related to motorcycle license testing are more properly dealt with in that chapter, so the substantive policy allowing motorcyclists to take exams on an expired instruction permit is maintained in the law by amendment of s. Trans 104.06. Drivers who fail tests given under an expired instruction permit are required to obtain an instruction permit or other authorization to operate the class of vehicle prior to their next examination. Instruction permit holders generally need additional practice and experience to be able to pass the examination after the required retesting waiting period prescribed by s. Trans 104.09. By obtaining the instruction permit at the time of failing a skills test, the person will have authority to practice driving on highways between the time of issuance and the time of the person’s next examination. Only department employees are authorized to conduct tests of drivers with expired licenses.

**Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:
Comparison with Rules in Adjacent States:**

Federal Statutes and Regulations. Congress passed the REAL ID Act of 2005 (Pub. L. 109-13, 119 Stat. 231) in an effort to strengthen the security, authentication, and issuance standards for state driver licenses and ID cards. On or after May 2025, it is expected that federal agencies will only accept REAL driver

licenses or IDs for official federal purposes, which includes boarding federally regulated commercial aircraft, accessing federal facilities that require identification to enter, and entering nuclear power plants.

Notably, the REAL ID Act:

- Prohibits federal agencies from accepting state-issued driver licenses and ID cards unless those products meet the minimum security requirements
- Sets forth minimum issuance standards for products that require:
 - Verification of presented information
 - Evidence the applicant is lawfully present in the United States
 - Temporary driver licenses and ID cards not exceed a person's temporarily presence in the United States period of authorized stay, or for one year when the period of stay is indefinite
- Requires states, as a condition of receiving grant funds or financial assistance under this Act, to participate in the interstate compact regarding the sharing of driver's license data (the Driver License Agreement).
- Prohibits false authentication features for use in false identification documents, document-making implements, or means of identification.

6 CFR part 37 regulates the requirements for REAL ID driver license and ID card issuance. 6 CFR 37.11 outlines the minimum documentation, verification, and card issuance requirements states must follow. To establish identity, a REAL ID product applicant must establish proof of all of the following:

- Identity
- Date of birth
- SSN
- Lawful status in the U.S.

6 CFR 37.15 requires states meet the standards outlined in 6 CFR part 37 or have a U.S. Department of Homeland Security-approved comparable REAL ID program to be fully compliant with the REAL ID Act.

Illinois.

The Illinois Secretary of State issues licenses and identification cards under 92 IL Adc ch. II, Pt. 1030. The following is a summary of Illinois driver license and ID application requirements and eligibility criteria prepared by the Illinois Secretary of State:

The Acceptable Identification Document chart lists documents that may be used as forms of identification to provide proof of legal name, date of birth, Lawful Status, Social Security number and residency when applying for a driver's license/ID card. After review of all identification presented, the Secretary of State management has the right to accept or refuse any document.

Please note the following:

- Signature comparison is required in the verification process.

- The number of documents required depends on whether an applicant is applying for a driver's license/ID card for the first time, or requesting a duplicate or corrected driver's license/ID card.
- One document may satisfy more than one group.
- New residents must surrender all out-of-state licenses/ID cards prior to issuance of an Illinois driver's license/ID card.
- An applicant applying for a Temporary Visitor Driver's License is not required to present documents from Group C. Instead, the applicant must sign a declaration on the TVDL application that the applicant is, at the time of application, ineligible to obtain a Social Security number.

First-time Illinois Driver's License/ID Card Applicant or First-time REAL ID Applicant (even if applicant holds or has held a standard Illinois DL/ID). An applicant applying for a driver's license or ID card for the first time in Illinois must present:

- Standard DL/ID Applicant: One document that satisfies each of Group A, B, C and D.
- REAL ID DL/ID Applicant: One document that satisfies each of Group A, B, C and two from D.

Duplicate Driver's License/ID Card Applicant. An applicant applying for a duplicate driver's license or ID card must present:

- Standard DL/ID Applicant: One document that satisfies Group A.
- REAL ID DL/ID Applicant: One document that satisfies Group A.

Corrected Driver's License/ID Card Applicant: An applicant applying for a corrected driver's license or ID card must present:

- Standard DL/ID Applicant: One document that satisfies Group A. One document from Group D if requesting an address change.
- REAL ID DL/ID Applicant: One document that satisfies Group A. Two documents from Group D if requesting an address change.

Illinois Driver's License/ID Card Renewal Applicant. An applicant renewing a current Illinois driver's license or ID card must present:

- Standard DL/ID Applicant: One document that satisfies Group A. One document from Group D if requesting an address change.
- REAL ID DL/ID Applicant: One document that satisfies Group A. Two documents from Group D if requesting an address change.

An applicant who requests a change in name, date of birth, Social Security number or gender must provide identification to link the change from the previous information to the new information.

Acceptable Identification Documents

- Photocopies are not accepted. All acceptable documents presented for verification or proof must be valid (current and not expired). One document may satisfy more than one Group. Documents marked with (*) are accepted for REAL ID

Group A – Written Signature

- Canceled Check (within 90 days prior to application)*
- Cooperative Driver Testing Program Certificate*

- Court Order*
- Credit Card/Debit Card (major brand)*
- Driver's License/ID Card (current) issued by an agency of the U.S. government*
- Illinois Driver's License (current or expired less than one year)*
- Illinois ID Card (current or expired less than one year)*
- Medicare Card*
- Mortgage or Installment Loan Documents*
- Out-of-State Driver's License/ID Card (current)*
- Passport (valid U.S. or foreign)*
- Social Security Card*
- Temporary DL/CLP/ID Card*
- U.S. Citizenship and Immigration Services Forms Permanent Resident Card; Employment Authorization Card; Arrival/Departure Record with Valid Passport*
- U.S. Military Driver's License/ID Card*
- U.S. Military Service*

Group B – Date of Birth. Group B documents must contain the applicant's full name and complete date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Documents marked with an [*] are also accepted to prove legal presence. Birth Certificates must be original or certified by a Board of Health or Bureau of Vital Statistics within the U.S. or by the U.S. State Department, U.S. territories or Canada. A certified copy is a document produced by the issuing jurisdiction which has an embossed seal or an original stamped impression. Foreign passports and foreign birth certificates are accepted as proof if accompanied by any other item in Group B.

- Adoption Records
- Birth Certificate*
- Citizenship Certificat *
- Court Order (Change of birth date)
- Certified Grade/High School/College/University Transcript
- Consular Report of Birth Abroad*
- Illinois Driver's License
- Illinois ID Card
- Naturalization Certificate*
- REAL ID Driver's License/ID Card
- Social Security Award Letter (primary beneficiary only)
- U.S. Citizenship and Immigration Services Permanent Resident Card; Refugee Travel Document; Employment Authorization Card; Notice of Action Status Change; Arrival/Departure Record with Valid Passport*
- U.S. Military Driver's License/ID Card
- U.S. Military Service Record
- U.S. Passport or Passport Card*
- U.S. Visa

Group C – Social Security Number. Group C documents must contain the applicant's name and full social security number. If using an Illinois driver's license or ID record, the social security number must have been previously verified with the SSA. An applicant applying for a Temporary Visitor Driver's License is not required to present documents from Group C. Instead, the applicant must sign a declaration on the TVDL application that the applicant is, at the time of application, ineligible to obtain a social security number.

- Illinois Driver's License Record
- Illinois ID Card Record
- Non-SSA-1099 Form*
- Pay stub or printed electronic deposit receipt bearing the applicant's name and SSN*
- Social Security Award Letter (primary beneficiary only)

- Social Security Card*
- SSA-1099 Form*
- U.S. Military Driver's License/ID Card
- U.S. Military Service Record
- W-2*

Group D – Residency. Group D documents must contain the applicant's full name and residence address. Documents in Groups A, B or C that contain the full name and residence address also may be used for Group D. Two residency documents required for REAL ID

- Official Electronic Statement (dated within 90 days prior to application)
- Bank Statement (dated within 90 days prior to application)*
- Canceled Check (dated within 90 days prior to application)*
- Certified Grade/High School/College/University Transcript*
- Credit Report (issued by Experian, Equifax or TransUnion, dated within 12 months of application)*
- Deed/Title, Mortgage, Rental/Lease agreement*
- Insurance Policy*
- Letter on Official School Letterhead (dated within 90 days prior to application)*
- Medical Claim or Statement of Benefits (from private insurance company or public (government) agency, dated within 90 days of application)*
- Official mail received from a State, County, City or Village or a Federal Government agency (must include first and last name of applicant and complete current address), may include — Homestead Exemption Receipt; Jury Duty Notice (issued within 90 days of application); Selective Service Card; Social Security Annual Statement; Social Security Disability Insurance Statement; Supplemental Security Income Benefits Statement; Voter Registration Card*
- Pay Stub or Electronic Deposit Receipt*
- Pension or Retirement Statement*
- Phone Book, produced by a phone book publisher*
- Report Card from Grade/High School or College/University*
- Tuition invoice/official mail from college or university, dated within the 12 months prior to application*
- Utility Bill (issued within 90 days of application)*

Unacceptable Documents:

- Bond Receipt or Bail/Bond Card
- Business Card
- Check Cashing Card
- Club/Fraternal Membership Card
- College or University ID Card
- Commercially produced (non-State or unofficial) ID Card
- DHS Card or documents (Department of Human Services)
- Fishing License
- HFS Card (Healthcare and Family Services)
- Handwritten ID/Employment Card
- Hunting License
- Illinois Concealed Carry Card
- Illinois FOID Card
- Instruction Permit/Receipt
- Insurance Card
- International Driving Permit
- Library Card
- Personal Mail

- Traffic Citation (Arrest Ticket)
- Unlicensed Financial Institution Loan Papers
- Vehicle Registration
- Video Club Membership Card
- Wallet ID

Iowa.

The Iowa Department of Transportation regulates driver license and ID cards under 761 IA Adc chs. 600-699. Upon receiving a new DL or ID, persons are required to surrender their current DL or ID, whether issued by Iowa or another state. An Iowa DL expires on the expiration date printed on the DL. It is valid for driving for an additional 60 days after the expiration date. After 60 days, persons may be ticketed for driving with an expired DL, except for temporary foreign nationals. After one year following expiration, persons are required to take the knowledge test and drive test. Persons may renew their DL 30 days before its expiration date. The following is a summary of Iowa driver license and ID application requirements and eligibility criteria prepared by the Iowa Department of Transportation:

Date of birth, identity, and lawful status or presence. Iowa DOT will not issue a driver license or ID if a person's immigration documents show their remaining status time is less than 30 days. Applicants must present one of the below documents to establish these requirements:

- Valid, unexpired U.S. passport or U.S. passport card
- Certified copy of a birth certificate issued by a state of the United States. ("State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.) It must be a certified copy and have the stamp or raised seal of the issuing authority. A hospital-issued certificate is not acceptable. A certified birth certificate issued by Puerto Rico must be certified as being issued on or after July 1, 2010.
- Consular Report of Birth Abroad issued by the U.S. Department of State
- Certificate of Naturalization
- Certificate of Citizenship
- Unexpired Permanent Resident Card
- Unexpired Employment Authorization Document.
- Record of Arrival and Departure with attached photo and stamped "Temporary Proof of Lawful Permanent Resident"
- Record of Arrival and Departure stamped "Refugee," "Parolee" or "Asylee"
- Unexpired foreign passport accompanied by the approved I-94 documenting applicant's most recent admittance into the United States
- Valid foreign passport stamped "Processed for I-551"
- Permit to Reenter the United States
- Refugee Travel Document

Name changes. To document a name change, persons must bring documents that connect the name on the identity document to the person's current full legal name. Any marriage certificate must be issued by the state office of vital statistics or equivalent agency in the state or country of marriage. It must be a certified copy and have the stamp or raised seal of the issuing authority. A church, chapel or similarly issued certificate is not acceptable. Any court order must contain the person's prior full legal name, their court-

ordered full legal name and date of birth; and be stamped with the official court seal. Photocopies and faxes are not acceptable.

- Certified marriage certificate
- Court order under petition for name change
- Court order for name change in a divorce decree or decree of annulment
- Court order for name change in a decree of adoption

Documenting social security number. One of the following documents must be provided to establish proof of social security number:

- Social Security card
- W-2 form
- SSA 1099 form
- Non-SSA 1099 form
- Pay stub or statement with Social Security number on it

Iowa residency. To establish Iowa residency and residential address, applicants must present two documents that show current name and Iowa residential address. The address must be a physical address where the person resides and not a post office box. Printouts of services paid or transacted electronically are acceptable. If the applicant is under 18 and unmarried, the applicant's parent, guardian, or custodian must document the minor's residency and residential address.

- Iowa voter registration card
- Valid Iowa vehicle registration certificate
- Valid insurance card or certificate of coverage
- Second valid insurance card or certificate of coverage
- Utility hookup or bill
- Second utility hookup or bill
- Telephone hookup, service agreement or bill
- Statement from a financial institution
- Second statement from a financial institution
- Personal check or deposit slip issued by a financial institution
- Credit, debit or charge card statement
- Iowa residential mortgage, lease or rental agreement
- Application for homestead tax credit for Iowa residential property
- Application for military tax credit for Iowa residential property
- Valid real estate tax statement or receipt for Iowa residential property
- Pay stub or statement from your employer
- Your current school enrollment papers for an Iowa public or private school
- Current school enrollment papers for a dependent child in an Iowa public or private school
- A federal, State of Iowa or local government document
- Second federal, State of Iowa or local government document
- An envelope, box, postcard or magazine that includes a postmark or stamped date
- Iowa DL or ID card that has not been expired for more than one year

Michigan.

Currently, Michigan does not have regulations relating to REAL ID issuance. The Michigan Secretary of State administers driver licenses under Mich. R ch. 257. Under M.C.L.A. 28.291 (1) (5) and 257.307 (1) (b), the secretary of state may adopt rules to comply with the provisions of the REAL ID Act. Michigan does not currently have rulemaking in process relating to REAL ID issuance. However, Michigan currently administers REAL IDs. The following is a summary of Michigan driver license ID requirements and eligibility criteria prepared by the Michigan Secretary of State:

To apply for a regular license or ID, the applicant must establish the following proof:

SSN (one document)

- Social Security card
- W-2 Form
- SSA 1099 form or non-SSA 1099 form
- Pay stub containing name and Social Security number
- SSA-L676 letter of ineligibility from the Social Security Administration. These must be presented with USCIS documents that show non-work authorized status. Letters more than one year old will not be accepted.

Proof of legal presence (at least one document)

- Valid, unexpired U.S. passport or passport card
- Certified birth certificate with stamp or raised seal issued by a U.S. government unit or U.S. territory government office. (Note: Puerto Rican birth certificates are accepted only if issued on or after July 1, 2010)
- Michigan enhanced driver's license or ID card
- Consular Report of Birth Abroad issued by the U.S. State Department

The following may be verified by the Systematic Alien Verification for Entitlements System:

- Certificate of Citizenship
- Certificate of Naturalization
- Valid, unexpired Permanent Resident Card or other evidence of permanent residency
- Valid Employment Authorization Document
- Valid, unexpired foreign passport with U.S. visa, along with evidence of entry
- Other immigration documents that show legal presence and/or ability to work in the U.S., including Form I-94, State Department bio-data form, and supervision documents
- Expired immigration documents along with Notice of Action showing that new documents have been applied for

Proof of identity (at least one document)

- Valid, unexpired U.S. passport or passport card
- Out-of-state, U.S. territories, or Canadian driver's license or ID card.
- (Cards expired less than four years are accepted)
- Marriage license issued in the U.S.
- Divorce decree issued in the U.S.

- U.S. court order for a name change
- Employee photo ID issued by a federal or Michigan government agency
- U.S. Customs and Border Protection Trusted Traveler Card
- U.S. military ID with photo
- U.S. military discharge or separation document, such as a DD-214
- Photo ID from a federally recognized Native American tribe
- Michigan Department of Corrections prisoner ID.
- Two of the following also are accepted: Foreign passport, I-94, Employment Authorization Card, Refugee Travel Document I-571 or immigrant visa
- Documents, including immigration documents with or without an entry stamp
- Michigan driver education certificate
- Government issued adoption record
- U.S. school records
- Parents or guardians may present their driver's license or ID and sign for their minor child

Proof of Michigan residency. Documents used must show Michigan residency and include name and home address. P.O. Boxes aren't accepted. (At least two documents).

- Utility bill or credit card bill issued within the last 90 days (Electronic copies are accepted)
- Account statement from a bank or other financial institution issued within the last 90 days (Electronic copies are accepted)
- Michigan high school, college or university report cards or transcripts
- Mortgage, lease or rental agreement
- Pay stub or earnings statement issued with the name and address of the employee
- Life, health, auto or home insurance policy
- Federal, state or local government documents, such as receipts, licenses or assessment
- Michigan title and registration
- Other documents containing name and address may be accepted with manager approval

To convert to REAL ID, applicants provide a current Michigan driver's license or ID; a valid, unexpired U.S. passport, birth certificate, or other proof of legal presence document; and a certified legal name-change document, if applicable.

Minnesota.

The Minnesota Department of Public Safety administers driver licenses and identification cards under MN ADC ch. 7410. The following document is a summary of Minnesota driver license and ID requirements and eligibility criteria prepared by the Minnesota Department of Public Safety:

Minnesota Driver and Vehicle Services issues REAL ID compliant cards in accordance with the federal REAL ID Act of 2005. This is an optional program. Proof of identity, Social Security number, and Minnesota residence address must be presented at the time the first application for a REAL ID compliant card is made, even if you applicants have previously submitted such documents when applying for a Minnesota Driver's License or Identification Card. Original documents are required. Photocopies, scans,

and faxes will not be accepted. Applicants may renew current Minnesota Driver's Licenses or Identification Cards without presenting any additional documentation.

VALID Minnesota PHOTO driver's license, permit, or ID: Is not expired, suspended, revoked, or canceled, and not disqualified for the class of vehicle being operated. Minn. Stat. § 171.01(49A). Applicants must provide original documents or documents certified by the agency that issued them. Digital documents shown on a phone or other electronic device will not be accepted. • If the applicant's name has changed, the applicant must submit proof of each name change. Acceptable proof includes a certified copy of a marriage certificate, divorce decree or dissolution of marriage, or a court-ordered name change. Two different types of documents must be submitted for Proof of Minnesota Residency. A P.O. Box will not be accepted as an address for proof of Minnesota Residency. If the applicant has not updated a name change with the Social Security Administration, they must do so prior to applying for a REAL ID. Laminated documents or documents with any alterations or erasures will not be accepted.

The following documents must be provided for REAL ID applications:

- PROOF of IDENTITY AND DATE OF BIRTH (ONE document from List A)
- PROOF of NAME CHANGE – IF APPLICABLE. Acceptable proof includes a certified copy of a marriage certificate, divorce decree or dissolution of marriage, or a court-ordered name change.
- PROOF of SOCIAL SECURITY NUMBER (ONE document from List B)
- PROOF of MINNESOTA RESIDENCY (TWO different documents from List C that have applicant's current name and address) *NOTE – if the applicant is under 18, one proof of residency document may be provided by a parent/guardian if it has the same address as the document you provide. They must also be present in office to certify that they are the minor's parent/guardian and that they live at the given address

List A (Proof of Identity, Date of Birth, and Legal Presence in the United States)

- Valid, unexpired U.S. passport or passport card.
- Original or certified copy of U.S. or U.S. Territory birth certificate that bears the raised or authorized seal of the issuing jurisdiction or a protective equivalent.
- Consular report of birth abroad, certification of report of birth, or certification of birth abroad issued by the U.S. Department of State.
- Valid, unexpired permanent resident card issued by the U.S. Department of Homeland Security or the former immigration and Naturalization Service of the U. S. Department of Justice.
- Certificate of naturalization issued by the U.S. Department of Homeland Security or by the U.S. Department of Justice
- Certificate of citizenship issued by the U.S. Department of Homeland Security.
- Unexpired employment authorization document issued by the U.S. Department of Homeland Security.
- Valid, unexpired passport issued by a foreign country and a valid, unexpired U.S. visa accompanied by documentation of the applicant's most recent lawful admittance.

List B (Proof of SSN. Laminated documents or documents with alterations are not accepted).

- Social Security Card
- Federal form W-2
- Federal form SSA-1099 or other Federal form 1099 with SSN
- Computer-printed U.S. employment pay stub with name, address, and SSN
- If a foreign passport is used for evidence of identity and date of birth, then additional documentation demonstrating non work authorized status may be needed to verify non-eligibility for a SSN

List C (Proof of Minnesota Residence. All documents must have applicant's name and principal residence MN address.)

- Valid, unexpired MN driver's license or instruction permit
- Valid, unexpired MN ID card
- Home utility services bill issued no more than 12 months before the application.
- Home Utility Services hook-up work order issued no more than 12 months before the application.
- U.S. bank or financial information with account numbers redacted including (issued no more than 12 months before application date) Bank account statement OR credit card or debit card statement OR brokerage account statement OR money market account statement
- Certified transcript from a U.S. high school issued no more than 180 days before the application.
- Certified transcript from a MN college or university, issued no more than 180 days before the application.
- Employment pay stub issued no more than 12 months before the application that lists the employer's name and address
- MN unemployment insurance benefit statement issued no more than 12 months before application.
- Unexpired MN professional license
- Statement from a registered housing with services building, licensed nursing home, or a licensed boarding care facility issued no more than 12 months before the application.
- Current policy or card for health, automobile, homeowner's, or renters' insurance.
- Federal or state income tax return for the most recent tax filing year.
- MN property tax statement for the current or prior calendar year or a proposed MN property tax notice for the current year that shows the applicant's principal residential address both on the mailing portion and portion stating what property is being taxed.
- Mn vehicle certificate of title.
- Filed property deed or title for current residence.
- Supplemental Security Income award statement issued no more than 12 months before the application.
- Mortgage documents for the applicant's principal residence.
- Residential lease agreement for the applicant's principal residence issued no more than 12 months before the application.
- Unexpired Selective Service card.
- Military orders that are still in effect at the time of application.
- Cell phone bill issued no more than 12 months before the application.
- Valid game and fish license .

Summary of the Factual Data and Analytical Methodologies:

In 2017, the department issued approximately 1,127,160 products of the following types:

| Type | Number issued in 2017 |
|--|-----------------------|
| Photo Identification Card | |
| Original* | 45,052 |
| Renewal | 39,899 |
| Duplicate | 68,470 |
| Regular Instruction Permit (Class D) | |
| Original* | 75,458 |
| Renewal | 25,356 |
| Duplicate | 3,922 |
| Motorecycle Instruction Permit (Class M) | |
| Original* | 6,656 |
| Renewal | 4,989 |
| Duplicate | 30 |
| Commercial Instruction Permit (Class ABC) | |
| Original* | 7,923 |
| Renewal | 4,222 |
| Duplicate | 275 |
| Change of Authority | 431 |
| Probationary (Class DM) | |
| Original* | 77,726 |
| Duplicate | 15,738 |
| Change of Authority | 1,060 |
| Regular (Class ABCDM) | |
| Original* | 109,980 |
| Renewal | 398,424 |
| Duplicate | 210,621 |
| Change of Authority | 17,315 |
| Occupational (Class DM) | |
| Original* | 13,329 |
| Duplicate | 267 |
| Moped, Juvenile and Special Restricted | |
| | 17 |

*Original means first time issued. Reissued and Issued after Reinstatement are not included.

The data above is drawn from DMV's publication Facts and Figures 2017, which is available online at <http://wisconsin.gov/Documents/about-wisdot/newsroom/statistics/factsfig/2017ff.pdf>.

Analysis and supporting documents used to determine effect on small business or in preparation of an economic impact analysis.

Effect on Small Businesses. The proposed changes address three main concerns for DMV customers: compliance with REAL ID, products for voting purposes, and commercial driver license compliance.

The Real ID Act of 2005 set minimum standards for issuance of state driver licenses and ID cards and implemented a deadline for compliance. While that implementation deadline has been moved back a number of times, the department began to provide its customers with the opportunity to obtain a product that is compliant with the Real ID guidelines early. With these changes already in place, and functioning successfully, permanent changes to chapter 102 of the Transportation Rules will formally codify these improvements, while still allowing for individuals to apply for and renew products that are not compliant with the Real ID requirements.

Commercial driver licensing is regulated by the FMCSA, which sets and adjusts minimum standards for states. If these standards are not met by a state, that state will not qualify for portions of federal highway monies nor will its commercial driver licenses remain valid for use in other states. By meeting these requirements, through the changes proposed in this drafting, the department will remain in compliance with FMCSA, protect against loss of highway funds, and keep Wisconsin commercial driver license holders operating on the roads.

The agency contact person listed below is also the small business regulatory coordinator for this proposed rule. This proposed rule, fiscal estimate, and other related documents may be viewed at <https://health.wisconsin.gov/admrules/public/Home>.

Agency Contact Person:

Robert Combs
State of Wisconsin Department of Transportation
Division of Motor Vehicles
4822 Madison Yards Way, Room 206
Madison, Wisconsin 53705
Phone Number 608-266-1449
Email address: robert.combs@dot.wi.gov

Place Where Comments Should Be Submitted and Deadline:

Comments may be submitted to the agency contact person listed above until the deadline given in the forthcoming notice of public hearing. The deadline for submitting comments and the notice of public hearing will be posted on the Wisconsin Administrative Rules Website at: <http://adminrules.wisconsin.gov> after the hearing is scheduled.

TEXT OF PERMANENT RULE

SECTION 1. Trans 102.02 (4) is repealed.

SECTION 2. Trans 102.02 (4p) and (Note) are amended to read:

Trans 102.02 (4p) "Duplicate" means a license or identification card product issued for a fee by the department to replace one which has been lost, damaged or destroyed, or to replace one which is no longer accurate because of a change of the licensed person's operating authority, name or address, or at the person's request to have a photograph retaken a previously issued product and that expires on the same date as the previously issued product. If the product is an operator's license, it shall not be considered a duplicate if any vehicle class or endorsement on the issued operator's license differs from those appearing on the previously issued operator's license.

(Note) See ss. Trans ~~402.09 (3)~~ 102.03 (3) (b) and ~~402.03 (2)~~ 102.03 (7) (c), and s. 343.265 (2), Stats.

SECTION 3. Trans 102.02 (4s) is created to read:

Trans 102.02 (4s) "Extension card" means a document issued by the department that extends an operator's license beyond the expiration date stated on the license.

SECTION 4. Trans 102.02 (6) is repealed and recreated to read:

Trans 102.02 (6) "Material change" means any change to a person's information, other than a change of address to a person's principal residence, that can be used to distinguish a person's identity, alone, or when combined with other identifying information, including:

- (a) Name.
- (b) Operator's license or identification card number.
- (c) Social security number.
- (d) Biometric record.

SECTION 5. Trans 102.02 (6n) is renumbered Trans 102.02 (4m) and amended to read:

Trans 102.02 (4m) "~~Motor vehicle services~~ DMV customer service center" means those locations within the state authorized by the department to provide driver licensing services, vehicle registration services, or both.

SECTION 6. Trans 102.02 (6r) (a), (7) (a), (b), and (7m) is amended to read:

Trans 102.02 (6r) (a) In the case of an individual, the entire first name, middle name, and last name and middle initial, if any as they appear on identity documents provided by a product applicant. "Name" includes generational suffixes, but does not include other name suffixes, nicknames, titles of respect, or additional information of any type.

(7) (a) A ~~license or identification card product~~ issued to a person who previously held a license or identification card but who does not have an existing driver file; or

(b) A ~~license or identification card product~~ issued to a person whose license or identification card has been canceled or revoked.

(7m) "Photograph" or "photo" means a ~~printed~~ an image created by use of a photographic or digital camera process.

SECTION 7. Trans 102.02 (7p), (7r), (7v) and (Note) are created to read:

Trans 102.02 (7p) "Product" means an identification card or receipt; or an operator's license, including a driving receipt, instruction permit, occupational license, a license extended by an extension card, or other authorization to operate a motor vehicle, issued by the department. "Product" does not include an extension card.

(7r) "REAL ID compliant product" means a product that meets the requirements of the federal REAL ID Act of 2005, as amended, and that is issued in compliance with all federal regulations and requirements.

(7v) "REAL ID non-compliant product" means a product that is not a REAL ID compliant product.

(Note) See s. 343.03 (3r), Stats.

SECTION 8. Trans 102.02 (8) is renumbered Trans 102.02 (8) (intro.) and amended to read:

Trans 102.02 (8) (intro.) "Reinstate" means one of the following:

(a) ~~†~~The process of issuing an operator's license to a person following a withdrawal of the person's operating privilege or operator's license by cancellation, suspension, revocation, or disqualification.

(b) The ~~term also includes the~~ process of issuing an identification card to a person who previously had an identification card canceled ~~or revoked~~.

SECTION 9. Trans 102.02 (9) and (10) are repealed and (9m) and (10m) are created to read:

Trans 102.02 (9m) "Resident" means an adult whose one home and customary and principal residence in the United States, to which the person has the intention of returning whenever they are absent, is in this state. "Resident" includes a child under 18 years of age if the child meets the requirements for resident status set forth in s. 343.01(2)(g), Stats.

(10m) "Social security number" means the complete social security number assigned to a person by the U.S. social security administration. "Social security number" does not include a partial social security number.

SECTION 10. Trans 102.02 (11) is created to read:

Trans 102.02 (11) "Verify" means department procedure to ensure that a document submitted in support of an application for a product is genuine and has not been altered in order to determine that any identity data contained in the document is valid and relates to the product applicant. "Verify" includes checking the validity of data contained in documents presented in support of an application for a product.

SECTION 11. Trans 102.025 (title) is amended to read:

Trans 102.025 (title) Document condition, and authenticity, and verification.

SECTION 12. Trans 102.025 (1e), (1m), (Note) and (1s) are created to read:

Trans 102.025 (1e) VALID AND UNEXPIRED DOCUMENTS. All documents required to be produced under this chapter must be valid and unexpired, unless exempted by another provision in this chapter.

(1m) REAL ID COMPLIANT ATTESTATION REQUIRED. The application for a Real ID compliant product shall contain the following attestation by the product applicant: "I declare under penalty of perjury that information on this application is true and correct and that I am a resident of Wisconsin." An application may not be accepted by the department which lacks the affirmation, the signature of the applicant, or the date the applicant signed the application.

(Note) Product applications, Form MV3001, 3001s, 3004 and 3004s, contain this affirmation.

(1s) VERIFICATION. (a) The department shall verify the applicant's social security number and the minimum number of documents needed for issuance of any product under s. Trans 102.15.

(b) The department shall verify the social security number and documents presented in support of a REAL ID compliant product application in a manner required by 6 CFR 37.13.

(c) The department may refuse to issue a product to an applicant if a social security number or any document presented in support of an application for a product cannot be verified.

SECTION 13. Trans 102.025 (2) is renumbered Trans 102.025 (2) (intro.) and amended to read:

Trans 102.025 (2) (intro.) SUSPECT DOCUMENT. The department may decline to accept any document ~~required to be~~ presented as part of an application for an operator's license, ~~or~~ identification card, vehicle title, or vehicle registration if it has any reason to ~~suspect~~ doubt the authenticity of the document, the identity of the person named in the document, the identity of the applicant, that the residency information provided by the applicant is inaccurate, or for any of the reasons specified in sub. (3). In such a case, the department may retain the document and investigate its authenticity, provide the document to local, state, or federal authorities, require additional documentation from the ~~individual applicant~~ person applicant to establish the fact that the document was offered to prove, or any combination of these actions. Documents determined to be genuine and to identify the ~~person applicant~~ person applicant who presented them shall be returned to the ~~person applicant~~ person applicant, except as provided in sub. (3). ~~Documents containing photographs of the holder may be rejected if the person is not readily recognizable from the photograph. Documents bearing signatures or reproductions of signatures of the holder may be rejected if the signature or reproduced signature does not clearly match all other signatures provided by the presenter as part of the application or on file with the department. Documents containing other data will not be accepted if any facts lead the department to question the authenticity of the document or accuracy of the data. A document may be retained for investigation and be considered unacceptable if any of the following apply:~~

SECTION 14. Trans 102.025 (2) (Note) is repealed.

SECTION 15. Trans 102.025 (2) (a), (b), and (c) are created to read:

Trans 102.025 (2) (a) The document includes a photograph and the applicant presenting the document is not readily recognizable from the photograph.

(b) The document includes a photograph that matches or resembles a photograph in the department's records, or another database or system the department uses for identity verification, that is assigned to another person.

(c) Any facts lead the department to question the authenticity of the document or accuracy of the data in the document.

SECTION 16. Trans 102.025 (3) (a) (intro.) is amended to read:

Trans 102.025 (3) (a) (intro.) Employees or agents of the department may take possession and investigate the authenticity of any document submitted as proof of the ~~person's~~ applicant's name and date of birth, identity, residency, or any other fact sought to be proven to the department and may ~~turn~~ provide those documents ~~over~~ to local, state, or federal authorities in any of the following circumstances:

SECTION 17. Trans 102.025 (3) (a) 6., is created to read:

Trans 102.025 (3) (a) 6. Signatures, photographs, or other identifiers on the document appear to not match one or more other signatures, photographs, or other identifiers of the applicant known to the department.

SECTION 18. Trans 102.03 is repealed and recreated to read:

Trans 102.03 Photograph requirements.

(1) Except as provided in this section, the department may not issue an operator's license or identification card unless the applicant appears in person at a DMV customer service center and is photographed. An applicant whose seriously held religious convictions do not allow the applicant to be photographed may qualify for an exemption to sub. (1) by completing, signing, and dating a statement on a form provided by the department, certifying that the applicant objects to being photographed due to a sincerely held religious conviction.

(2) (a) *Full facial image required.* All photographs for products issued under this chapter shall include a full facial image of the applicant. The photograph shall show the entire face from the crown of the head to the base of the chin and from ear to ear. Photographs not meeting the requirements of this section may not be used on a product. The department may cancel a product if the department has reason to believe the product was erroneously issued with a photograph taken that does not meet the requirements of this subsection. The department shall assess the fee for obtaining a duplicate license for any applicant whose photograph must be retaken because of an intentional violation of the requirements of this subsection.

(b) *Head coverings.* 1. Head coverings may not be worn in a photograph except as provided in subd. 2. and 3. If a head covering is worn by the applicant pursuant to subd. 2. or 3., the covering shall be pushed from the forehead and sides until a full facial image is shown as required by par. (a).

2. An applicant who has sincerely held religious convictions that require the applicant to wear a head covering for any photograph may wear the head covering in a photograph for products issued under this chapter.

3. An applicant suffering from a medical condition or treatment that results in hair loss may be permitted to wear a scarf or hat in a photograph for products issued under this chapter.

(c) *Hair.* Hair, whether natural or artificial, shall be pushed back from the face for the photograph until a full facial image is shown as required by par. (a).

(d) *Obstructions.* Nothing shall obscure the applicant's face, head, iris, or pupils.

(e) *Shadows.* Nothing shall be permitted which results in a shadow upon the face in a photograph. Lighting shall be evenly distributed on the face.

(f) *Eyes.* 1. The iris and pupil of the eye shall be clearly visible. The applicant may choose whether the photograph be taken with or without vision correcting glasses. Sunglasses may not be worn except as provided in subd. 2. Light sensitive glasses that do not adjust sufficiently to clearly show the applicant's eyes and eye color shall be removed.

2. An applicant suffering from a medical condition, physical disability, or disfigurement affecting the applicant's eyes, and who usually wear eyeglasses to obscure their eyes for cosmetic reasons, may be permitted to obscure their eyes with sunglasses or an eye patch.

(g) *Clothing.* Except as permitted in subd. (f) 1., any clothing or device obscuring any part of an applicant's face shall be removed.

(h) *Appliances.* Any appliance or prosthesis normally used by an applicant with a permanent facial or dental disfigurement may be worn for the photograph and shall be included in the full facial image.

(i) *Expression.* The applicant shall look into the camera with both eyes open and a relaxed facial expression.

(3) Except as provided in this subsection, product photographs must have been taken within 8 years of the date of product issuance.

(a) *Duplicate and renewal products.* A person who obtains a duplicate or renewal product online is exempt from the requirement of using a photograph taken within 8 years of the date of product issuance if the department has a photograph of the person on file that is not more than 16-years-old, and the department's computer system will accommodate processing the application online.

(b) *Online product issuance.* A person who obtains an identification card online is exempt from the requirement of using a photograph taken within 8 years of the date of product issuance if the department has a photograph of the person on file that will not be more than 16-years-old when the product is expected to expire.

(c) *Persons in military service.* A person in military service or foreign service stationed outside this state who applies to renew a driver license is exempt from the requirement of using a photograph taken within 8 years of the date of product issuance if the department has a photograph of the person on file that is not more than 16-years-old.

(Note) See s. 343.20 (3), Stats., 6 CFR 37.25 (a).

(d) *Non-expiring ID cards.* A person who applies for a replacement identification card without appearing at a DMV service center to be photographed, who claims an identification card that was issued to the person pursuant to s. 343.50 (5) (d), Stats., that does not expire is lost, stolen, or damaged is exempt from using a photograph taken within of the date of product issuance. A replacement identification card issued by the department pursuant to this paragraph shall include the latest photograph of the person in the department's records.

(4) The department may issue a REAL ID non-compliant product to a prisoner held in a correctional facility in this state using a photograph taken by the Wisconsin department of corrections that meets the standards in sub. (1) and is taken in compliance with an agreement between the department and the Wisconsin department of corrections.

(5) A person whose sincerely held religious beliefs do not permit the person to be viewed by members of the opposite sex may request that their photograph be taken outside the presence of persons of the opposite sex. The department may require the person appear at a time before or after normal DMV service center business hours. Arrangements shall be made at least 7 days prior to the date the photograph is to be taken. The department may require the person to travel to a DMV service center where the department has staff and facilities at which the request may be fulfilled.

(6) Subsection (2) shall be interpreted and applied in a manner consistent with federal requirements for the issuance of federal REAL ID compliant documents even if an applicant applies for a REAL ID non-compliant product. The department adopts standards set forth in 6 CFR. 37.17 (e) and ISO/IEC 19794-5:2005(E) Information Technology – Biometric Data Interchange Formats – Part 5: Face Image Data for use in driver license processing.

(Note) As required by s. 227.21 (2), Stats., the Wisconsin attorney general approved adoption of these standards on **[date to be inserted upon approval]**. Copies of these standards are on file with the department and the legislative reference bureau and may be reviewed at those locations. Copies may be obtained from <http://webstore.ansi.org/>, or by contacting ANSI, 25 West 43rd Street, 4th Floor, New York, New York 10036. They are also available online at the International Organization for Standardization and International Electrotechnical Commission at www.iso.org and https://webstore.iec.ch/preview/info_isoiec19794-5%7Bed1.0%7Den.pdf, respectively.

SECTION 19. Trans 102.04 is repealed and recreated to read:

Trans 102.04 Product design.

(1) A product shall include all the information specified in ss. 343.17 (3) and 343.50 (3), Stats. Additionally, a product shall do all of the following:

(a) Consist of one part with 2 sides, except as otherwise prescribed in s. 343.17 (4m), Stats.

(b) Include any legend required by s. 343.03 (3) or (3m), Stats., or s. 343.50 (3) (a), Stats., and the following descriptive legends, if applicable:

1. Duplicate products shall be marked "duplicate" or an abbreviation thereof.

2. Juvenile restricted licenses shall be marked "juvenile restricted" or an abbreviation thereof.

(c) Contain any other information the department considers appropriate for security or identification purposes.

(2) Receipts and extension cards that the department issues are not subject to sub. (1).

(3) Any REAL ID non-compliant identification card or Class D or M license issued by the department based upon extraordinary proof of name, date of birth, or U.S. citizenship under s. 343.165 (8) (a), Stats., shall, in addition to any other legend or label, be marked in a manner consistent with requirements under applicable federal law and regulations to indicate that the product is not intended to be accepted by any federal agency for federal identification or any other official purpose.

(4) A REAL ID compliant product shall include at least three levels of integrated security features that provide resistance to a person's attempt to do any of the following:

- (a) Counterfeit, alter, simulate, or reproduce a genuine document.
- (b) Alter, delete, modify, mask, or tamper with data concerning the original or lawful card holder.
- (c) Substitute or alter the original or lawful card holder's photograph or signature, or both, by any means.
- (d) Create a fraudulent document using components from legitimate operator's licenses or identification cards.
- (5) Products shall include, on the side opposite the photograph for any REAL ID compliant product, or anywhere on any other type of product, machine readable technology meeting or exceeding the minimum requirements of 6 CFR 37.19.
- (6) Products shall identify Wisconsin as the state of issuance.
- (7) A REAL ID compliant product shall include a U.S. department of homeland security approved security marking to reflect the product's level of compliance in accordance with 6 CFR 37.17 (n).
- (8) REAL ID compliant products shall be printed in the format required by 6 CFR 37.17 (m).
- (9) The department may issue apparent products to state or federal law enforcement agencies to assist in crime investigations. Apparent products issued pursuant to this subsection are not subject to the requirements of this chapter.
- (10) Products issued to federal judges may list their courthouse address on the product in lieu of their personal address if requested by the judge.
- (11) Products issued to a person protected from disclosure of information under the safe at home program under s. 165.68, Stats., may list the Wisconsin department of justice safe at home post office address in lieu of the person's physical address.

SECTION 20. Trans 102.07 (title) is amended to read:

Trans 102.07 (title) National driver registry and commercial driver license ~~registration~~information system.

SECTION 21. Trans 102.07 (intro) is repealed.

SECTION 22. Trans 102.07 (2) and (3) are repealed and recreated to read:

Trans 102.07 (2) The department may not issue a product until the department receives driver record information from the commercial driver license information system, the national driver registry, and the state pointer exchange system.

(Note) See s. 343.03 (5), Stats.

(3) Except as provided in pars. (a) to (d), the department may not issue a commercial driver license to an applicant whose operating privilege is suspended, cancelled, revoked, or disqualified under the law of another jurisdiction or the U.S.

(a) If the applicant's operating privilege is disqualified in another jurisdiction, the department may only issue the applicant a commercial driver license if the disqualification period has expired and the applicant qualifies for issuance of a commercial driver license in the other jurisdiction.

(b) If the applicant's commercial operating privilege is disqualified by the U.S., and not by any other jurisdiction, the department may only issue the applicant a commercial driver license if the disqualification has expired and the applicant qualifies for issuance of a commercial driver license in this state.

(c) If the applicant's operating privilege is suspended or revoked in another jurisdiction, the department may only issue the applicant a commercial driver license if the applicant reinstates their operating privilege in the other jurisdiction.

(d) If the applicant's operating privilege is cancelled in another jurisdiction, the department may only issue the applicant a commercial driver license if the applicant qualifies for issuance of a commercial driver license in the other jurisdiction.

(Note) See s. 343.06 (2), Stats., 49 CFR 383.52 (d), 384.210, and 384.214, and 49 USC 31311 (a) (10) (A).

SECTION 23. Trans 102.09 (title), (1), (2), and (3) are renumbered Trans 102.03 (7) (title), (a), (b), and (c) and amended to read:

Trans 102.03 (7) (title) ~~Photograph specifications~~

(a) As determined by the department, a ~~license or identification card~~ product photograph shall be retaken if the photograph of the ~~person~~ applicant is indistinguishable, unclear, incomplete, shows a temporary disfigurement that no longer exists, does not meet the requirements of this section, or if the department's copy of the photograph of the applicant becomes lost or damaged.

(b) ~~Persons who fall into~~ An applicant whose photograph meets the retake specifications described under ~~sub. (1) par. (a)~~ shall be required to have the ~~license product~~ product photograph retaken by the department before an ~~operator's license or identification card~~ a product will be issued.

(c) Any person not satisfied with the photograph after receipt of a ~~license card or identification card~~ product may request to have the photograph retaken. If the photograph is indistinguishable, unclear, or incomplete to the extent that the department demands another photograph of the person be taken under ~~sub. (1) par. (a) or (b)~~, the department shall issue a replacement card upon proper application without charge. If the photograph meets the department's standard for inclusion on a product, the person shall apply for a duplicate license or identification card, surrender the existing license or identification card product, and pay the ~~any~~ fee required ~~in s.~~ under ss. 343.21 (1) (L) and (n), or 343.50 (6) and (7), Stats.

SECTION 24. Trans 102.09 (4) is repealed.

SECTION 25. Trans 102.09 (5) is renumbered Trans 102.03 (7) (d) and amended to read:

Trans 102.03 (7) (d) ~~Persons~~ An applicant shall be notified by the department when a photograph needs to be retaken ~~or when a subsequent change of license restrictions or endorsements requires license reissuance or a duplicate license.~~ Failure to comply within 30 days of notification shall result in the cancellation of the operator's license.

SECTION 26. Trans 102.09 (6) is repealed.

SECTION 27. Trans 102.10 is repealed.

SECTION 28. Trans 102.11 (title) and (1) (intro.) (title) are amended to read:

Trans 102.11 (title) ~~Prorated fees~~ Fees.

(1) (intro.) ~~UPGRADED LICENSE~~ CLASS

SECTION 29. Trans 102.11 (2) is repealed and recreated to read:

Trans 102.11 (2) NO FEE IDENTIFICATION. The department shall not charge a fee for issuing or reissuing an identification card for purposes of voting under ss. 343.165 (8) (g) or 343.50 (5) (a) 3., Stats., or for an identification card issued under s. 343.50, Stats., if the requirements of s. 343.50 (5) (a) 2. are met.

SECTION 30. Trans 102.11 (2) (Note) is repealed.

SECTION 31. Trans 102.11 (3), (4), (5), and (6) and (Note) are created to read:

Trans 102.11 (3) REPLACEMENT OF DEFECTIVE PRODUCTS. The department shall reissue a product without fee if the product is inaccurate because of a department error or if the card on which it was produced is defective.

(4) CHANGE IN RESTRICTIONS. The department shall not charge a fee for operator's license issuance due to the addition or removal of a license restriction, except for removing a K or L restriction.

(5) REMOVAL OF ENDORSEMENT. A person who is issued a new operator's license to remove an endorsement shall pay the fees specified in s. 343.21 (1) (L) and (n), Stats.

(6) DUPLICATE LICENSES. A person who obtains a duplicate license shall pay the fees specified in s. 343.21, Stats., (1) (L) and (n).

(Note) See s. 343.21 for all operator's license fees.

SECTION 32. Trans 102.14 is repealed and recreated to read:

Trans 102.14 Issuance.

(1) The department may not issue a product if any of the following apply:

(a) The computer system or equipment is not functioning in a manner that will allow the department to produce the product.

(b) Further verification of eligibility is necessary to comply with requirements for issuance of the product under ch. 343, Stats., or this chapter.

(c) There are administrative reasons for not issuing the product immediately, for purposes including, but not limited to, conducting a study or establishing a control group.

(d) The applicant does not provide a sample signature for reproduction on the product in the format first name, middle initial or name, last name; or in the format first name, last name. An applicant may not include in a signature any information other than the applicant's name.

(Note) See s. 990.01 (38), Stats., for applicants who are unable to write.

(e) The applicant possesses products issued in another jurisdiction and does not surrender the products.

(f) The applicant is issued a Class D or M 60-day extension card under sub. (7). This prohibition shall not apply once the reason for denying an operator's license and issuing an extension under sub. (7) (a) is satisfied.

(g) The department is unable to verify any of the information required under ch. 343, Stats., or this chapter.

(h) The department determines the application contains inaccurate or false information.

(i) The department determines the applicant is ineligible for the product under ch. 343, Stats., or this chapter.

(2) The department may not issue an identification card without charge for voting purposes to any person who is not a U.S. citizen or who is not at least 17 years of age. The department may not determine whether a person is otherwise eligible to vote.

(3) The department may issue a temporary product if the person is eligible under s. Trans 102.15 (2) (d) or (8) or s. 343.50 (1) (c) 1., Stats. The temporary product shall be valid until the permanent product is delivered by mail or the person is determined to be ineligible for the product.

(Note) See s. 343.20 (1m), Stats.

(4) (a) *Temporary residents.*

1. A product issued to a person who is neither a citizen nor a permanent resident of the United States may not expire later than the last date the person is eligible to remain in the United States.

2. The department shall issue a product with an expiration date as determined by s. Trans 102.03 (3) to a person who is neither a citizen nor a permanent resident of the United States and whose last date of eligibility to remain in the United States is undetermined.

3. A product issued to a person whose proof of legal presence is specified in s. 343.14 (2) (es) 4. to 7., Stats., and whose term of stay in the United States is undefined shall expire one year after issuance or renewal.

4. Nationals from the Federated States of Micronesia, Palau, or the Marshall Islands may be issued a product valid for one year if the department verifies the person's passport and arrival-departure record card as proof of identity. If a national from one of these countries presents an employment authorization document defining a specific period of employment eligibility in the United States, any product issued to them shall be for that defined period and shall not exceed the maximum duration of that product under state law.

(b) *Renewal of temporary resident products.* No product may be renewed to a person no longer eligible to remain in the United States.

(5) (a) *Temporary visitors.* A product, other than a commercial driver license, issued to a person who establishes proof of residence under sub. (4) and whose legal status in the United States is not permanent, shall be labeled "limited term."

(b) *Non-domiciled persons.* A commercial driver license issued to a person who establishes proof of residence under sub. (4), is not a citizen of Mexico or Canada, and whose proof of legal status in the United States does not prove a right to remain permanently in the United States shall be labeled “non-domiciled.”

(Note) Citizens of Mexico and Canada must obtain commercial driver licenses from their home country under 49 CFR 383.23 (b) (1), footnote 1.

(c) *Law enforcement.* Products issued to law enforcement for confidential investigative purposes may contain fictitious information.

(Note) Records related to such products shall not be open to public inspection under s. 19.35, Stats.

(d) *Character set used for names.* Names transcribed on a product shall be limited to the English alphabet, without diacritical marks. Apostrophes and hyphens may be used in a name. In the event other symbols are used as part of a name, the department may phoneticize the name or transcribe it in a manner that matches the applicant’s social security card or other identity documents.

(6) (a) *Proof of driver training.* The department shall not issue a license to a person under 18 years of age unless one of the following is provided:

1. Proof that the person successfully completed a driver education or training course which meets the requirements of s. 343.06 (1) (c), Stats. The training school may provide the proof electronically.
2. Proof that the person successfully completed an approved driver education course in another jurisdiction.
3. Proof that the person is exempt from driver education requirements under s. 343.08 or 343.135, Stats.

(b) *Proof of sponsorship.* The department shall not issue an operator’s license to a person under 18 years of age unless satisfactory proof of adult sponsorship for that person, that meets the requirements of s. 343.15, Stats., and s. Trans 102.21, is filed with the department.

(7) (a) Upon application for renewal of a driver license, the department may issue one extension of an operator’s license authorizing operation of “Class D” or “M” vehicles, or both, for a period not to exceed 60 days in any of the following scenarios:

1. The department requires an examination for renewal of a license.
2. The applicant requests issuance of a REAL ID compliant operator’s license but lacks all necessary documentary evidence and requests additional time to obtain that documentary evidence.
3. The department is unable to confirm an applicant’s claim of veteran status with the department of veteran affairs, and the applicant requests additional time to obtain verification from the department of veteran affairs or a county veterans service officer.

(Note) See s. 343.14 (2) (j), Stats.

4. DMV service center staff is unable to issue a product at the time of the application because of computer system problems, problems at the facility, war, or acts of God.

(b) This subsection only permits extension of regular or probationary operator’s licenses and does not apply to commercial driver licenses, temporary licenses, driving receipts, or any temporary product.

(8) (a) A person may renew a product online, except as provided in pars. (b) and (c). A new photograph is required at least once every 16 years, and a product may not be renewed online if a new photo is required.

(b) A person must appear in person at a DMV customer service center to renew a product if the person's application indicates a material change is made to any data, other than an address, retained in the department's records or on any product that has been issued to the driver. In-person appearance is required to have any of the following data on the product or in the department's files changed:

1. The person's name.
2. The person's birthdate or place of birth.
3. The person's social security number.
4. The person's sex, height, weight, eye color, or hair color.
5. The person's driver license or identification card number.
6. The vehicle class the person is authorized to operate.
7. A license endorsement.
8. Biometric data.

(c) In-person appearance is required to renew a commercial driver license, or any license bearing an H or S endorsement. The renewal may not be completed online.

(Note) 49 CFR 384.227 requires a photograph be taken for every CDL renewal. That necessitates appearance at a DMV customer service center.

(d) Notwithstanding par. (b), the department may renew a class D or M license for military personnel or a member of the foreign service without requiring the applicant to appear at a DMV customer service center if the person is exempt from the requirement to provide a photo under s. Trans 102.03 (3) (d).

(Note) See s. 343.20 (3), Stats., 6 CFR 37.25 (b).

(e) The department shall verify a person's legal presence in the United States collected under s. Trans 102.15 (4) and social security number when renewing a REAL ID compliant product.

(f) Subject to par. (e), the department may renew a REAL ID compliant product without verifying a person's identification information if either of the following apply:

1. The department previously verified an applicant's information and documents, recorded the date of verification, and kept copies of the application document.

(Note) See s. 343.165 (4) (a), Stats., 6 CFR 37.25 (a) (2).

2. The department issued a product to the person prior to January 1, 2013.

(g) Subject to par. (e), the department may renew or reissue a REAL ID non-compliant product issued before January 1, 2013, without verifying an applicant's documents or information.

(9) The department may issue a license online without requiring a person to appear at a DMV customer service center to a person who holds an instruction permit or a regular license, and who is exempt from any driving test requirement to obtain a regular license or class added to an existing license, except a commercial driver license. The license produced shall use the last photograph the department has on file for the person.

SECTION 33. Trans 102.145 is created to read:

Trans 102.145 Requirement to obtain driver license in Wisconsin.

Trans 102.145 (1) A person, unless exempt by s. 343.05 (4), Stats., establishing residency in this state and who holds an operator's license issued in another jurisdiction must obtain a Wisconsin operator's license within 60 days of establishing residency unless the person holds a commercial driver license in another U.S. jurisdiction, in which case the person must obtain a commercial driver license issued by the department within 30 days of establishing Wisconsin residency.

(Note) Commercial drivers are required to transfer their CDL within 30 days of moving between states by federal law. 49 CFR 383.71 (c), 384.212 (b). Persons moving from Canada, Mexico, U.S. territories, or other countries are subject to the 60-day rule under sub. (1).

(2) No person is required to have resided in Wisconsin for a minimum amount of time to be eligible for a Wisconsin product.

SECTION 34. Trans 102.15 is repealed and recreated to read:

Trans 102.15 Identification requirements for products.

(1) (a) The department may not issue a product to a person who does not meet any of the conformance level requirements of this section, except as provided in s. 343.165 (8) (a), (b), or (h), Stats.

(b) In this section, "unavailable" does not include a document that an applicant has forgotten to bring with them when applying for a driver license or identification card, nor does it include a lost or destroyed document if a replacement original or a certified copy of the document is available to the person upon proper request.

(2) (a) REAL ID compliant products shall be marked with a star or other symbol recognized by the department of homeland security. A REAL ID compliant product may only be issued if all of the following documentation is submitted and verified in conformance with federal law:

1. One or more facial images meeting the requirements of s. Trans 102.03 (2).
2. Proof of identity meeting the requirements of sub. (3) (a).
3. Proof of date of birth meeting the requirements of sub. (4) (a).
4. Proof of social security number meeting the requirements of sub. (6) (a) or alternative proof for temporary U.S. residents meeting the requirements of sub. (5) (b).

5. Proof of residence and domicile meeting the requirements of sub. (5) (a).

6. Proof of legal name change meeting the requirements of subd. (3) (c) 1., if the person's name differs from the name established under subd. 2.

7. Evidence of legal presence in the United States meeting the requirements of sub. (4) (a).

(b) 1. An application for an H endorsement shall include all of the information required under par. (a), statements required under 49 CFR 1572.9, and all of the following:

a. If the applicant is a lawful permanent resident, the applicant's alien registration number and alien registration card or other acceptable proof issued by the U.S. government.

b. The applicant's social security number.

2. Upon receiving a completed application for an "H" endorsement, the department shall immediately forward the application to the U.S. transportation security administration. The department shall also inform the applicant that the applicant has a right to obtain a copy of the applicant's criminal history record by submitting a written request for that record to the U.S. transportation security administration.

3. The department may not issue or renew a product containing an "H" endorsement for a person unless it has received notice from the U.S. transportation security administration that the applicant does not pose a security threat warranting denial of an "H" endorsement or that the applicant has received a waiver under 49 CFR 1572.5 (d) and 1515.7.

4. If the U.S. transportation security administration notifies the department that a person poses a security threat according to the standards for a security threat assessment under 49 CFR 1572.5, and the U.S. transportation security administration issues an initial determination and threat assessment and immediate revocation, the department shall cancel the person's license and remove the H endorsement from any subsequent license issued to the person. An H endorsement may be granted after removal upon reversal of the U.S. transportation security administration's determination and verification of eligibility for the endorsement.

(Note) See s. 343.125 (4) (d), Stats., 49 CFR 1572.13.

(c) A REAL ID non-compliant product may not be marked with the star or other symbol recognized by the U.S. department of homeland security as indicating a REAL ID compliant product and shall include a legend indicating that the product is not valid for federal REAL ID purposes. A REAL ID non-compliant product shall be issued to an applicant who does not provide all documentation necessary for issuance of a REAL ID compliant product under sub. (2) (a), but who provides each of the following proofs to establish the person's identity as a Wisconsin resident:

1. One or more facial images meeting the specifications of s. Trans 102.03 (2).

2. Proof of identity meeting the requirements of sub. (3) (a), (b), or (7).

3. Proof of date of birth meeting the requirements of sub. (4) (a), (b), or (5m).

4. Proof of social security number meeting the requirements of sub. (6) (a), (b), or (c) or alternative proof for temporary U.S. residents meeting the requirements of sub. (6) (b) or (c).

5. Proof of residence and domicile meeting the requirements of sub. (5) (a) or (b).

6. Proof of legal name change meeting the requirements of subd. (3) (c) 1. or 2., if the person's name differs from the name established under subd. 2. when establishing proof of identity.

7. Evidence of lawful legal presence in the United States meeting the requirements of sub. (4) (a), (d), or (7).

(d) A REAL ID compliant product or a REAL ID non-compliant product may be issued as a receipt, temporary product, or probationary product if temporary or probationary issuance is required by law.

(Note): See s. 343.03 (3) (f) and (3m), Stats.

(e) A person applying for a renewal, reissuance, reinstatement, or duplicate of a REAL ID non-compliant product shall submit satisfactory proof of identity as specified under sub. (3) (b).

(f) 1. Any person applying for an original Wisconsin operator's license or identification card shall submit satisfactory proof of citizenship, legal permanent resident or conditional resident status of the United States, or legal presence in the United States, as specified under sub. (4).

2. The department may require a person applying for a reissuance, reinstatement, renewal, or duplicate operator's license or identification card to provide satisfactory proof of citizenship, legal permanent resident or conditional resident status of the United States to determine the person's eligibility for the operator's license or identification card.

(g) A person shall provide proof of the person's name and date of birth under sub. (3), identity under sub. (4), and residency under sub. (5), upon the first application for an original, renewal, reinstatement, or duplicate operator's license or identification card after any of the following have occurred:

1. An action which results in the department creating an AKA record in the person's driver file.

2. Cancellation of the person's license or identification card for altering a license or identification card, or cancellation for making a fraudulent or falsified application for a license or identification card, or cancellation for violation of s. 343.25 (1), (4), (5), or (6), Stats.

3. Suspension of the person's operator's license under s. 343.34 (2), Stats.

4. Revocation or suspension of the person's operating privilege under s. 343.31 (2r), Stats.

5. Revocation of the person's operating privilege under s. 343.32 (1s), Stats.

6. Conviction for a violation of ss. 343.14 (5), 343.16 (7) (a) or (b), 343.19 (2), 343.43 (1), 343.50 (4) or (12), or 345.17, Stats.

7. The department has confiscated a document from the person for any of the reasons set forth in s. Trans 102.025.

(h) A person shall not be required to provide the proof described in par. (a) 1. to 6. or (c) 1. to 6. if the person is applying without a personal appearance to reinstate a suspended license, revoked license, or

identification card; renew a license subject to s. Trans 102.03 (2) and (5); or obtain a duplicate license or identification card, and all of the following are true:

1. The department possesses records of an acceptable photograph and facsimile signature for the person.
2. The person's name as shown on the license is unchanged.
3. The person is a Wisconsin resident.

(3) (a) The department may accept any of the following as proof of identity to support issuance of a REAL ID compliant product:

1. A U.S. passport.
2. Any of the following certified proofs of birth:
 - a. For a person born in Wisconsin, a copy of the person's Wisconsin birth certificate issued and certified in accordance with s. 69.21, Stats.
 - b. For a person born in another state or the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, a certified copy of the person's birth certificate or the equivalent document from the office or agency of the respective jurisdiction that is charged with issuance of official certificates of birth.
 - c. A consular report of birth abroad issued by the U.S. department of state, Form FS-240, DS-1350 or FS-545.
3. A permanent resident card (Form I-551) issued by the U.S. department of homeland security or the U.S. immigration and naturalization service.
4. An employment authorization document issued by the U.S. department of homeland security, Form I-766 or I-688B.
5. A foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States.
6. A certificate of naturalization issued by the U.S. department of homeland security, Form N-550 or Form N-570.
7. A certificate of citizenship, Form N-560 or Form N-561, issued by the U.S. department of homeland security.
8. A REAL ID driver license or identification card issued in compliance with 6 CFR 37.
9. Such other documents as the U.S. department of homeland security may designate by notice published in the federal register pursuant to 6 CFR 37.11 (c) (1) (x).

(Note) 6 C.F.R. 37.11 (c)

(b) Any one of the following may be accepted as proof of identity to support issuance of a REAL ID non-compliant product:

1. Any document that is acceptable as proof of identity under par. (a).
2. Unless a passport is required under this chapter, the department shall accept a U.S. passport that is expired for no more than 5 years for purposes of meeting this requirement.
3. A Wisconsin REAL ID non-compliant operator's license bearing a photograph of the person.
4. A Wisconsin REAL ID non-compliant identification card issued under s. 343.50, Stats., bearing a photograph of the person, other than an identification card issued under s. 343.165 (8), Stats.
5. A federal I-94 "parole edition" or "refugees version" arrival-departure record, together with a certification, on the department's form, of the person's name and date of birth, a copy of a U.S. department of state refugee data center reception and placement program assurance form, and a letter from the person's sponsoring agency on the agency's letterhead, supporting the person's application for a Wisconsin identification card or driver license and confirming the person's identification. Applicants who are unable to provide a reception and placement program assurance form may be issued a Wisconsin identification card or driver license after the person's identification has been confirmed by the U.S. citizenship and immigration services.
6. A federal temporary resident card or employment authorization card, Form I-688, I-688A, I-688B, or I-766.
7. An American Indian identification card meeting all of the following requirements:
 - a. Issued by a federally recognized tribe or a band of a federally recognized tribe.
 - b. Issued in Wisconsin.
 - c. Includes a photograph and signature or reproduction of a signature of the person.
 - d. Has been approved by the secretary for use as identification.
8. An adoption, divorce, or name or sex change court order under seal that includes the person's current full legal name, date of birth, and in the case of a name change or divorce order, the person's prior name.
9. An armed forces of the United States common access card or DD Form 2 identification card issued to military personnel.
10. A department of homeland security/transportation security administration transportation worker identification credential.
11. A driver license or identification card issued by another jurisdiction except the Dominion of Canada, or a Province thereof, that bears a photo of the applicant or the applicant's full name and date of birth.
12. Military discharge papers, including a certified copy of federal form DD-214.
13. A U.S. government and military-dependent identification card.

(c) An applicant may be identified by a name other than that appearing on a document presented under par. (a) or (b) if the person has changed their legal name. The department shall retain a copy of any document establishing a name change or variation. The department shall maintain a record of both the recorded name and the name on the source documents in a manner conforming to 6 CFR.37.31. The following may be considered as evidence of a legal name change:

1. Original or certified copies of documents issued by a court, governmental body, or other entity. Adoption documents, name change documents, or sex-change-related documents may be accepted. An abstract of criminal or civil convictions may not be accepted.

2. Evidence that the person has used the name in a manner that qualifies the name as being legally changed under the common law of Wisconsin, including evidence of the person's prior name, changed name, the length of time the person has consistently and continuously used the changed name, an affirmation that the person no longer uses the prior name, and an affirmation that the person did not change their name for a dishonest or fraudulent purpose or to the injure another person.

(Note) See, *State v. Hansford*, 219 Wis. 2d 226, 580 N.W.2d 171 (1998); 35 Wis. Op. Atty. Gen. 178, 179 (1946). This process may be used to overcome an error on a supporting document, such as a spelling error or incorrect name, to enable an applicant to receive an identification card in their legally correct name.

(4) (a) Any of the following shall be considered valid proof of legal presence in the United States for purposes of obtaining a REAL ID compliant product, provided the person has also provided proof of identity meeting the requirements of sub. (1) (a):

1. For a person born in another state or the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, a certified copy of the person's birth certificate or the equivalent document from the office or agency of the respective jurisdiction that is charged with issuance of official certificates of birth.

2. A U.S. passport.

3. A certificate of citizenship, Form N-560 or N-561, issued by the U.S. department of homeland security.

4. A certificate of naturalization issued by the U.S. department of homeland security, Form N-550 or Form N-570.

5. A consular report of birth abroad issued by the U.S. department of state, Form FS-240, DS-1350 or FS-545.

6. A permanent resident card Form I-551, issued by the U.S. department of homeland security or the U.S. immigration and naturalization service.

(b) Any of the following shall be considered valid proof of legal presence in the United States for purposes of obtaining a REAL ID compliant product, provided the person has also provided proof of identity meeting the requirements of sub. (1) (a) and documentation demonstrating lawful status issued by the U.S. department of homeland security or other federal agency:

1. A foreign passport with approved Form I-94 and authenticated visa.

2. An employment authorization document.
3. A REAL ID compliant product issued in compliance with 6 CFR 37.

(Note) See, 6 CFR 37.11 (g).

(c) All applicants for a REAL ID non-compliant product that includes a hazardous materials endorsement, including persons who have met the requirements of par. (a), shall submit documentary proof to the department, in one or more of the following forms, that the applicant is a U.S. citizen or that the applicant's permanent presence in the United States is authorized under federal law:

1. A U.S. passport
2. For a person born in another state or the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, a certified copy of the person's birth certificate or the equivalent document from the office or agency of the respective jurisdiction that is charged with issuance of official certificates of birth.
3. A consular report of birth abroad issued by the U.S. department of state.
4. A certificate of naturalization issued by the U.S. department of homeland security.
5. A certificate of U.S. citizenship issued by the U.S. department of homeland security.
6. A permanent resident card and the applicant's alien registration number issued by the U.S. citizenship and immigration services or U.S. immigration and naturalization service.

(Note) See ss. 343.125 (2) (a) and 343.14 (2g) Stats. and 49 CFR 383.71 (b) (8) and (Table 1).

(d) An applicant for a REAL ID non-compliant product shall provide valid documentary proof that the individual is a U.S. citizen or national or an alien lawfully admitted for permanent or temporary residence in the United States and the applicant's alien registration number. Any documents described under par. (a) or (c), or any of the following, shall be considered valid proof of legal presence in the United States for purposes of obtaining a REAL ID non-compliant product:

1. Proof of conditional permanent resident status in the United States and the person's alien registration number.
2. A nonimmigrant visa or nonimmigrant visa status for entry into the United States.
3. An approved application for asylum in the United States or other official documentation showing that the applicant has entered the United States in refugee status.
4. A pending application for asylum in the United States.
5. A pending or approved application for temporary protected status in the United States.
6. Approved deferred action status.
7. A pending application for adjustment of status to that of an alien lawfully admitted in the United States for permanent residence or conditional permanent resident status.

8. A I-766, employment authorization document.

9. A U.S. department of homeland security/U.S. citizenship and immigration services refugee travel document, including Form I-512T.

10. A U.S. department of homeland security/U.S. citizenship and immigration services Form I-797, notice of action.

11. A U.S. department of state reception and placement program assurance form, accompanied by Form I-94.

(Note) See s. 343.14 (2) (es), Stats.

(e) The department shall not accept a hospital birth certificate, notification of birth registration, or baptismal certificate as proof of a person's name and date of birth.

(5) (a) The department shall require two forms of proof that a person's principal residence is in Wisconsin and the address of that residence prior to issuing a REAL ID compliant product. Neither proof may list a post office box or commercial receiving agency as the address, except as provided in par. (c). Each proof of the person's principal residence shall include the person's name and physical street address. Original documents shall be required unless copies or printouts of electronic documents are specifically allowed. Any of the following shall be considered proof of residence:

1. A Wisconsin driver license that is not expired by more than 8 years.

2. A Wisconsin identification card that is not expired by more than 8 years.

3. A utility bill addressed to the applicant for water, gas, electric, cable TV, internet service, or telephone service, including bundled services. Printouts of electronic documents are acceptable.

4. An applicant's paycheck, stub, or earning statement that includes the employer's name and address. Printouts of electronic documents are acceptable.

5. An account statement for an account held by and addressed to the applicant from a bank, credit union, savings and loan, financial institution, or brokerage house. Printouts of electronic documents are acceptable.

6. A deed, title document for a mobile home, mortgage, or a rental or lease agreement that includes the landlord's name and phone number. Photocopies are acceptable.

7. Current homeowner's, renter's, or motor vehicle insurance policy, or proof of insurance or billing statement dated within one year of the application.

8. Government-issued correspondence or product issued to the applicant that is not described in another subdivision of this paragraph, that was issued by a federal, state, county, or municipal agency within the one year period preceding the application, except Quest or Forward cards. Certified copies are acceptable.

9. A valid Wisconsin hunting license or concealed carry permit issued to the applicant.

10. Department of corrections documentation, such as letters from probation or parole agents to the applicant on official letterhead.

11. A certified school record or transcript.

12. College enrollment documentation or U.S. department of homeland security Form DS 2019, certificate of eligibility for exchange visitor (J-1).

13. An unexpired photo identification card issued to the applicant by a Wisconsin accredited university, college, or technical college.

14. An employee photo identification card issued to the applicant by the applicant's current employer.

15. A letter from a homeless shelter or a social service organization providing services for homeless individuals. The letter must identify the individual, include the physical address of the location designated as the person's residence, be on the organization or shelter letterhead or stationery, and be signed by a person affiliated with the organization or shelter.

16. For a person 26 years or younger, a Wisconsin driver license or identification card for a parent or guardian of the applicant, provided the parent or guardian's address on their proof and on department records matches the address provided for the applicant.

17. For a federal judge who requests a product listing the judge's courthouse address under s. Trans 102.04 (10), official federal government identification that verifies the judge's name and status as a federal judge. The judge shall also provide the courthouse address to be used on the product in lieu of the judge's residence address. This identification may be required for each renewal or reissuance of the product if the courthouse address will be used on the renewed or reissued product.

18. For a person enrolled in the state address confidentiality program under s. 165.68, Stats., a copy of the person's safe at home program card.

(b) Any person applying for a REAL ID non-compliant product must provide proof of residence meeting the requirements of par. (a).

(c) The department shall maintain a list of locations where the U.S. postal service will not deliver U.S. mail to a residence address. A person residing in such a location shall provide the person's official U.S. postal service station P.O. box address for delivery of the product.

(d) If a person's product is returned to the department by the U.S. postal service, the department shall consider the mailing address provided in the person's application to be incorrect, in which case the department may do one of the following:

1. Remail the product to that same address. This option may not be exercised more than one time to a given address. If the U.S. postal service returns a product a second time, the address provided in the application shall be considered invalid and the application must be processed in accordance with subd. 2.

2. If the product is an original product, the department shall cancel and destroy the product and require resubmission of proofs of residence in accordance with par. (a). If the product is a duplicate or renewal product, the department shall hold the product for 30 days, then cancel and destroy the product if the applicant does not contact the department to obtain the product.

(6) (a) The department shall collect a REAL ID compliant product applicant's social security number and verify the social security number with the U.S. social security administration prior to issuance of any

product. Nonresidents of the U.S. who lack work authorization and a social security number may provide alternative proof as provided in par. (b) for issuance of a REAL ID, except for a commercial driver license.

(b) An applicant for a REAL ID compliant product, except an applicant for a commercial driver license, who has no social security number, has been admitted into the United States from another country, and lacks authorization to work in the U.S., may present a foreign passport, a visa to enter the U.S. affixed in that passport, and the approved I-94 form documenting the applicant's most recent admission into the United States.

(c) A person who applies for a REAL ID non-compliant product is required to provide a social security number, unless the applicant does not have a social security number and is not eligible for a social security number and submits a statement on a form provided by the department and subscribed under oath or affirmation or witnessed by a division of motor vehicles customer service representative that the applicant does not have a social security number and is not eligible for a social security number

(Note) See s. 343.14 (2) (br), Stats.

(d) 1. The department shall verify an applicant's social security number with the U.S. social security administration or through another method approved by the U.S. department of homeland security that the social security number presented as part of a REAL ID compliant product application is registered to the applicant.

2. If the social security number is not verified under subd. 1., the department may not issue a product to the applicant, delay issuance of a product if verification cannot be completed at the time of application, or cancel a product if verification is requested after product issuance and the applicant does not provide verification. The applicant may consult with the U.S. social security administration to determine the reason for that agency's refusal to verify the applicant's social security number. Upon resolution with the U.S. social security administration, the person may resubmit an application for verification by the department without additional fees.

3. The department shall verify the legal status of an applicant who is exempt from providing a social security number under par. (b) prior to issuing a product to the person. The department shall verify the applicant's I-94 form and any document used as proof of identity or proof of lawful admission into the United States that has been issued by the department of homeland security. If the applicant presents multiple documents issued by department of homeland security, and the department is able to verify one document, the additional documents do not need to be verified.

(Note): 6 CFR 37.13 (b) (1).

4. The department may not issue a product to an applicant if the department of homeland security does not verify the applicant's legal status as provided in subd. 3. The department shall refer the applicant to the

U.S. citizenship and immigration services to determine the reason for that agency's refusal to verify the applicant's legal status. Upon resolution with the U.S. citizenship and immigration service, the person may resubmit an application for a product to the department for verification without additional fees.

5. The applicant shall present the examiner the applicant's original social security card or other documentation satisfactory to the department for verification, notwithstanding other provisions in this subsection, when any of the following apply:

a. A duplicate social security number is found on the department's driver files and assigned to another person.

b. The social security number provided on the applicant's current application does not match the number provided by the applicant on a previous application that is recorded on the applicant's driver file.

c. The social security number does not match the format of social security numbers issued by the U.S. social security administration.

d. The department is advised by a state, federal, or local government agency that the social security number provided by the applicant is suspected to not belong to the applicant, to have been used by multiple persons, or to have been assigned to a person other than the applicant.

(Note) See s. 343.165 (3) (c), Stats., 6 CFR 37.11 (e) (2) and 37.13 (b) (2).

(e) The department may issue a special number, in lieu of the social security number, to identify an applicant who does not have an existing driver file in Wisconsin and was issued an original instruction permit when the applicant has not been issued a social security number or the applicant's social security number is not available. The applicant is required to provide their social security number on any subsequent application following the original issuance of the instruction permit.

(8) The department may issue a temporary driver receipt for operation of Class D or M vehicles to a person who is temporarily unable to meet the identification requirements of sub. (3). The temporary driver receipt shall state the date of issue, shall be clearly marked "NOT VALID FOR IDENTIFICATION," and shall be

validated for the operation of a vehicle for a stated period of up to 60 days from the date issued. The person may complete their operator's license application within this period by presenting proof of the person's name and date of birth in accordance with sub. (3) (a). For good cause shown, the department may renew the driving receipt once for an additional period of no more than 60 days.

This subsection applies only to persons who meet all of the following:

(a) Were previously issued an operator's license in another jurisdiction and surrendered the operator's license to the department.

(b) Are unable to immediately provide proof of name and date of birth in accordance with sub. (3) (a), but state they will be able to do so.

(c) Submit an otherwise complete and acceptable application, including the proof of identity required by sub. (3) and social security number required by sub. (6).

(Note) Form MV3432, Receipt.

(9) The department may require additional documentation or proof of identity beyond the minimum requirements of this section from an applicant if the department has been notified that the applicant may be a victim of identity theft or if the applicant has provided documentation to the department that could not be verified.

(10) The department may verify or attempt to verify any information provided in support of an application for a product and, if it is unable to verify the information, may decline to issue the product until verifiable documentation or information is presented to support the application.

(11) (a) The department may issue a REAL ID non-compliant identification card or REAL ID non-compliant Class D or M operator's license without capturing a digital image of all documents provided by the applicant in the manner specified in s. 343.165 (2) (a), Stats., upon request.

(b) The department may issue a REAL ID non-compliant Class D or M operator's license or a REAL-ID non-compliant product identification card to a person who was issued a product by the department and identified as a U.S. citizen prior to January 1, 2013, and for whom the department has records without additional documentation required under s. 343.165 (1), Stats. This exemption does not apply if the department has any basis for suspecting the person is not the person identified in the document or if the department receives any evidence of a discrepancy in the proofs required for product issuance.

SECTION 35. Trans 102.16 is repealed and recreated to read:

Trans 102.16 Product and license endorsement issuance periods.

(1) EXPIRATION WITH END OF LEGAL PRESENCE IN THE UNITED STATES. Notwithstanding any other provisions of this chapter, a product issued to a person who is not a U.S. citizen or national or who is not an unconditional permanent resident of the United States shall expire on the earlier of the last date the person's legal presence in the United States is authorized according to the documentation of legal presence provided by the person as part of their application, or the expiration date of the product determined under subs. (2) to (8).

(Note) See ss. 343.03 (3m), 343.20 (1m), and 343.50 (5) (c), Stats.

(2) PRODUCT EXPIRATION.

(a) Default identification card and license expiration. Except as provided in subs. (1), (3), (4), and (6) and par. (b), a license or identification card shall expire 8 years from the persons's next birthday.

(b) Elderly identification cards. Except as provided in sub. (1), an identification card issued to a person 65-years or older who requests a non-expiring identification card will not expire. An expiration date far into the future and beyond any currently living person's life expectancy may be used to indicate that the document has no expiration date. Any identification card issued under this paragraph shall be considered REAL ID non-compliant and may not include markings that indicate REAL ID compliance.

(c) Foreign license reciprocity. An operator's license issued to a foreign national pursuant to a reciprocal agreement established under s. 343.16 (1) (d), Stats., shall expire 8 years from the applicant's next birthday or the date the person's legal presence in the United States expires as determined under sub. (1), whichever is earlier.

(Note) See ss. 343.085 (2) (c), 343.16 (1) (d), and 343.50 (5) (d), Stats

(3) ORIGINAL LICENSE 2-YEAR EXPIRATION. Except as provided in sub. (1), the first operator's license issued to a person by this state under ch. 343, Stats., that is not a commercial driver license shall be a probationary license that expires 2 years from the person's next birthday, unless the person meets all of the following requirements:

(a) Has been licensed in another jurisdiction for at least 3 years.

(b) Presently holds an operator's license, other than an instruction permit, from another jurisdiction that is not expired by more than 6 months.

(c) Is at least 21 years of age.

(4) RENEWAL PRODUCT EXPIRATION. **(a)** A renewal product may be issued up to 364 days prior to expiration of the product and shall expire 8 years from the person's next birthday, except as provided in sub. (1) and par. (b).

(b) A renewal product issued in the 364 days after expiration of an operator's license shall expire 7 years from the person's next birthday.

(5) SPECIAL RESTRICTED LICENSES. Except as provided in sub. (1), renewed special restricted licenses expire 2 years from the applicant's next birthday.

(6) ENDORSEMENTS EXPIRE WITH LICENSES. All endorsements, except H endorsements, on an operator's license shall expire on the same date the operator's license expires or is suspended, revoked or disqualified. An H endorsement shall expire as provided in s. 343.125 (3), Stats.

(Note) Federal CDL requirements demand a background check be performed on H endorsement holders at least once every 5 years. 49 CFR 383.141 (d).

(7) EXPIRATION DATE DOES NOT CHANGE WITH CHANGES IN AUTHORITY. Except as provided in sub. (8), the expiration date of an operator's license shall remain the same when subsequent changes to classifications or endorsements are applied to the license.

(8) EXTENSION OF LEGAL PRESENCE IN THE UNITED STATES. A person whose operator's license expired under sub. (1) earlier than it otherwise would have under subs. (2) to (5) may be issued an operator's license with an expiration date determined under subs. (1) to (5) at any time after a change in the last date through which the person's legal presence in the United States is authorized, regardless of whether a change in classification or endorsements is also made.

SECTION 36. Trans 102.17 is repealed.

SECTION 37. Trans 102.18 is repealed.

SECTION 38. Trans 102.19 is repealed and recreated to read:

Trans 102.19 Instruction permits.

(1) GENERAL REQUIREMENTS FOR INSTRUCTION PERMIT. The department may issue an instruction permit to a person who meets all of the following requirements and who also meets any particular requirement imposed for a particular class of vehicle under subs. (2) and (3):

(a) The person is qualified to obtain an operator's license, except for lack of training in the operation of a motor vehicle.

(b) The person has passed a knowledge test for the class of vehicle for which an instruction permit is sought.

(2) CLASS D INSTRUCTION PERMITS FOR PERSONS UNDER 18 YEARS OF AGE. A Class D instruction permit may not be issued to a person under 18 years of age unless the person is enrolled in a behind-the-wheel driver education course and a sponsor has signed and verified the person's application in accordance with the requirements of s. 343.15 (1), Stats., and s. Trans 102.21.

(3) MOPED AND MOTOR BICYCLE INSTRUCTION PERMITS. (a) The department may not issue a moped or motor bicycle instruction permit to a person under 16 years of age.

(b) A moped or motor bicycle instruction permit, or regular instruction permit endorsed for moped and motor bicycle operation may only authorize moped or motor bicycle operation during daylight hours and prohibits the transportation of passengers.

SECTION 39. Trans 102.20 (2) (g) is amended to read:

Trans 102.20 (2) (g) "Farm service industry" means a farm retail outlet, a custom harvester, a ~~livestock feeder~~ feed lot, or an agri-chemical business.

SECTION 40. Trans 102.20 (2) (i) is repealed and recreated to read:

Trans 102.20 (2) (i) "Feed lot" means a facility where feeder cattle are assembled for feeding prior to slaughter.

SECTION 41. Trans 102.20 (2) (i) (Note) is repealed.

SECTION 42. Trans 102.20 (10) (a) (Note) and (13) (a) are amended to read:

Trans 102.20 (10) (a) (Note) Form MV3587, Application for New Farm service CDL Seasonal Period may be obtained at any ~~Division of Motor Vehicle Services Center~~ DMV customer service center or from the Wisconsin Department of Transportation, Bureau of Driver Services, License Issuance Unit, P.O. Box 7918, Madison, WI 53707-7918.

(13) (a) The fee for the farm service CDL shall be the fee established in s. 343.21 (1) (d), Stats., or the prorated amount due under s. ~~Trans 102.10~~ 102.11.

SECTION 43. Trans 102.21 (1) (am) and (2) (am) are created to read:

Trans 102.21 (1) (am) "Domestic partner" means a member of a domestic partnership that has not been terminated under s. 770.12, Stats.

(2) (am) The domestic partner of one of the minor's parents.

SECTION 44. Trans 102.21 (2) (b) and (4) are amended to read:

Trans 102.21 (2) (b) The minor's spouse or domestic partner.

(4) PROOF OF IDENTITY. A sponsor or attorney-in-fact of a sponsor shall provide proof of identity satisfying the requirements of s. Trans 102.15-~~(4)~~ (3) when a department representative acts as the witness to a sponsor's or attorney-in-fact's signature.

SECTION 45. Trans 102.24 is created to read:

Trans 102.24 Investigation and department review. The department may investigate or conduct a review to determine whether any information, affirmation, or document provided as part of an application submitted under this chapter is authentic. An applicant may be required to appear at the review or to interview with a department investigator. A review may require an applicant to appear at the department's central office in Madison. Issuance of a product may be denied, or a product that has been issued may be cancelled if the person fails to respond, meet with department investigators, or appear at any scheduled review.

SECTION 46. Trans 104.06 (3) (a) (intro.) (title), 1., and 2. and (Note) are amended to read:

Trans 104.06 (3) (a) (intro.) "Class D" or "M" skills tests. No person may take or pass a "Class D" or "M" skills test unless the person holds an instruction permit that is more than 7 days old or is reinstating a cancelled, suspended, or revoked operator's license. The following operator's licenses may be used as authorization to operate a motor vehicle during a skills test under this subsection:

1. A person may take one "Class D" or "M" skills test administered by a state operator's license examiner using an instruction permit that has an expiration date not more than one year prior to the examination date.

2. A person may take "Class D" or "M" skills tests administered by a state operator's license examiner using an expired, cancelled, suspended, or revoked operator's license, other than an instruction permit that authorized operation of the class of vehicle in which the person is being tested. The department may require any person who fails an examination conducted under this subdivision to obtain an instruction permit as a prerequisite to any subsequent test if, in the examiner's opinion, the person needs additional driving skills practice before the person will be capable of passing a skills test.

(Note) A person who fails a "Class D" or "M" skills test on an expired permit will need to obtain an instruction permit and hold it for 7 or 14 days before the person may be retested. A person who has never held an operator's license will need to obtain an instruction permit before testing. See s. Trans 104.09(2) and (3).

SECTION 47. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

(END OF RULE TEXT)

Signed this 14 day of March 2024.

Craig Thompson
Secretary
State of Wisconsin Department of Transportation

Wisconsin Legislative Council



Anne Sappenfield
Director

TO: REPRESENTATIVE NANCY VANDER MEER

FROM: Ethan Lauer, Senior Staff Attorney

RE: Documentation for Obtaining an Operator's License or Identification Card, Documentation for Registering to Vote and Receiving a Ballot, and Clearinghouse Rule 23-042

DATE: May 30, 2024

As requested, this memorandum and the attached charts contain information that may assist legislators during the joint hearing of the Assembly Committee on Transportation and the Senate Committee on Transportation and Local Government on Clearinghouse Rule 23-042, relating to operator's licenses and identification cards.

The first chart compares the documentation that is needed to obtain an operator's license or identification card that is marked as compliant with federal REAL ID Act requirements versus one that is marked as noncompliant with those federal requirements.

The REAL ID Act establishes minimum requirements and standards with which a state must comply when issuing an operator's license or identification card in order for a federal agency to accept the license or card for certain official purposes, including boarding a commercial aircraft.¹ Although Wisconsin has implemented this federal law since January 1, 2013, a person may apply for either a REAL ID compliant or REAL ID noncompliant operator's license or identification card.

In general, in order to obtain either a REAL ID compliant or REAL ID noncompliant operator's license or identification card, a person must submit the following:

- Proof of identity.
- Social Security number, unless the person is ineligible for one.
- Proof of Wisconsin residency.
- Evidence of legal presence in the United States.

As shown in the first chart, some documentation may be used for either type of operator's license or identification card. Other items may be used only for a REAL ID noncompliant one.

The first chart assumes that Clearinghouse Rule 23-042 will take effect in the form submitted to the Legislature by the Department of Transportation on April 1, 2024, as modified by germane modifications that the department indicated it would submit on May 30, 2024.

¹ P.L. 109-13, div. B, s. 202 (c) (1) and (2).

The second chart, obtained from the website of the Wisconsin Elections Commission, compares the documentation that a person may present as proof of residence in order to register to vote versus the forms of identification (commonly referred to as “Voter ID”) that a person may present in order to be issued a ballot.² Clearinghouse Rule 23-042 does not alter the lists of items appearing in this chart.

Attachments

EL:jal

² State law provides exemptions from the requirement to provide proof of identification for certain voters, including the following: military voters; overseas voters; absentee voters who provided a copy of proof of identification at a previous election; voters who have a confidential listing because of domestic abuse, sexual assault, or stalking; voters who are indefinitely confined because of age, physical illness, or infirmity or who are disabled for an indefinite period; voters in residential care facilities and certain retirement homes; and voters who surrendered a Wisconsin driver’s license. [ss. 6.79, 6.87, and 6.875, Stats.]

Comparison of Documentation Needed for a REAL ID Compliant vs. REAL ID Noncompliant Operator's License or Identification Card

| Identity | |
|--|---|
| REAL ID Compliant | REAL ID Noncompliant |
| <p>Any of the following:</p> <ul style="list-style-type: none"> ● U.S. passport. ● Certified Wisconsin birth certificate. ● Certified birth certificate from another state or U.S. territory. ● Certificate of naturalization. ● Certificate of citizenship. ● Consular report of birth abroad. ● Permanent resident card. ● REAL ID driver's license. ● REAL ID identification card. ● Employment authorization document. ● Foreign passport with a valid, unexpired U.S. visa affixed. ● Other documents designated by the U.S. Department of Homeland Security. | <p>Any item from the REAL ID list, or any of the following:</p> <ul style="list-style-type: none"> ● U.S. passport that is expired for no more than five years. ● Wisconsin REAL ID noncompliant driver's license with photo. ● Wisconsin REAL ID noncompliant identification card with photo. ● Federal "parole edition" or "refugee's version" arrival-departure record. ● Federal temporary resident card. ● Federal employment authorization card. ● American Indian Identification card. ● Adoption, divorce, or name or sex change court order. ● Armed forces common access card. ● Armed forces identification card. ● Federal transportation worker identification credential. ● Driver's license from another state or U.S. territory ● Identification card from another state or U.S. territory. ● Military discharge papers. ● U.S. government and military-dependent identification card. |
| Legal Presence | |
| REAL ID Compliant | REAL ID Noncompliant |
| <p>Any of the following:</p> <ul style="list-style-type: none"> ● U.S. passport. ● Certified birth certificate from another state or U.S. territory. ● Certificate of citizenship. ● Certificate of naturalization. ● Consular report of birth abroad. ● Permanent resident card. <p>Any of the following, plus documentation demonstrating lawful status issued by a federal agency:</p> <ul style="list-style-type: none"> ● REAL ID driver's license. ● REAL ID identification card. ● Employment authorization document. ● Foreign passport with authenticated visa. | <p>Any item from the REAL ID list ,or any of the following:</p> <ul style="list-style-type: none"> ● Conditional permanent resident status and alien registration number. ● Nonimmigrant visa. ● Approved application for asylum. ● Pending application for asylum. ● Approved application for temporary protected status. ● Pending application for temporary protected status. ● Approved deferred action status. ● Pending application for adjustment to permanent. resident or conditional permanent resident. ● Refugee travel document. ● Federal Form I-797, notice of action. ● State Department reception and placement program assurance form. |

| Social Security Number | |
|--|---|
| REAL ID Compliant | REAL ID Noncompliant |
| <p>If have a Social Security number:</p> <ul style="list-style-type: none">● Provide Social Security number for verification with the Social Security Administration. <p>If no Social Security number, admitted into the U.S. from another country, and lack work authorization:</p> <ul style="list-style-type: none">● Provide foreign passport with affixed visa and federal Form I-94. | <p>If have a Social Security number:</p> <ul style="list-style-type: none">● Provide Social Security number. <p>If not eligible for a Social Security number:</p> <ul style="list-style-type: none">● Provide statement under oath, under affirmation, or witnessed by a customer service representative that the applicant does not have a Social Security number and is not eligible for one. |

Wisconsin Residence

REAL ID Compliant and REAL ID Noncompliant

| |
|---|
| <p>Any two of the following:</p> <ul style="list-style-type: none">● Wisconsin driver's license that is not expired by more than eight years.● Wisconsin identification card that is not expired by more than eight years.● Utility bill for water, gas, electric, cable TV, internet, or telephone service.● Paycheck, stub, or earning statement.● Financial institution account statement.● Deed, title document for a mobile home, mortgage, or a rental or lease agreement.● Homeowner, renter, or auto insurance policy or billing statement dated within one year.● Government-issued correspondence or product dated within one year.● Wisconsin hunting license or concealed carry permit.● Department of Corrections documentation.● Certified school record or transcript.● College enrollment documentation.● Federal Form DS-2019, certificate of eligibility for exchange visitor (J-1 visa).● Unexpired photo identification card issued by a Wisconsin accredited university, college, or technical college.● Employee photo identification card.● Letter from a shelter or social service organization serving homeless persons.● If age 26 or younger, a Wisconsin driver's license or identification card for a parent or guardian.● If requested by a federal judge, federal government identification with the courthouse address in lieu of the judge's residential address.● For the state address confidentiality program, a copy of the Safe at Home program card. |
|---|

Proof of Wisconsin Residency to Register to Vote Versus Proof of Identification to be Issued a Ballot

Prepared by WEC and available at https://elections.wi.gov/sites/default/files/documents/POR%20vs.%20POI%20Mar%202023_0.pdf

PROOF OF RESIDENCE

VS.

PROOF OF IDENTIFICATION

| Proof of Residence (Registration) | Standards | Proof of ID (issuing a ballot) | Standards |
|---|---|--|---|
| State of WI Driver License or Instructional Permit <i>(Cannot be used as POR if hole punched)</i> | - May be revoked or suspended --Unexpired | State of WI Driver License or Instructional Permit <i>(May be used if hole punched and date visible)</i> | - May be revoked or suspended - Unexpired or expired after 11/8/2022 |
| State of WI Identification Card <i>(Cannot be used as POR if hold punched)</i> | - Unexpired | State of WI Identification Card <i>(May be used if hole punched)</i> | - Unexpired, or expired after 11/8/2022 |
| Identification card issued by WI governmental body or unit | - Valid on date of registration* | Military ID card issued by a U.S. Uniformed Service | - Unexpired, or expired after 11/8/2022 |
| Identification card issued by employer <i>(not a business card)</i> | - Valid on date of registration* - Photo required | Military ID card issued to a veteran by a U.S. Uniformed Service. | - May be expired—some may indicate “indefinite.” |
| Real estate tax bill or receipt | - For current year or year preceding date of the election | Photo ID issued by the federal Dept. of Veterans Affairs | - Unexpired or has no expiration date |
| Wisconsin University, College or Technical College ID | - Photo required – Address not required on ID - Plus fee receipt with address dated within last 9 months OR - the clerk may verify the ID against the certified housing list | Wisconsin University, College or Technical College ID | - May be expired -Date of issuance - Signature of student -Photo required - Expiration date no later than 2 years after date of issuance. - Document that proves enrollment. (not required if ID is unexpired) |
| | | U.S. Passport booklet or card | - Unexpired, or expired after 11/8/2022 |
| Utility bill (gas, electric, phone, cell phone, cable TV, satellite, internet, garbage) | - For period that starts no earlier than 90 days before registration | Certificate of Naturalization | - Unexpired - issued not earlier than 2 years before election |
| | | WI DOT Driving Receipt | - Unexpired - Valid for 45 days |
| Bank or Credit Union Statement | - Any bank or CU account statement, regardless of the type of account. | WI DOT ID Card Receipt | - Unexpired - Valid for 45 days |
| Credit Card Statement | - any credit card statement, including retail | Citation or Notice to Revoke or Suspend WI Driver License | - Unexpired - Dated within 60 days of the election |
| Paycheck or stub | - None | | |
| Check or other document issued by a unit of government | - Valid on date of registration* | IDPP receipt | - Unexpired, valid for 60 days. |
| Residential Lease | - Effective on date of registration* - Cannot be used as POR when registering by mail. | ID card issued by federally recognized WI tribe | - Expired or unexpired |
| Care Facility Contract or Intake Document | - Must indicate voter resides at facility - Is not required to indicate room number | Proof of Identification documents do not have to list a current address to be valid. (Rev. 2023-03) | |
| *Proof of Residence documents which are valid for use during a specified period must be valid on the day an elector registers to vote. Wis. Stat. 6.34(3)(c). | | | |