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Real ID Driver's Licenses Rolled Out in New Hampshire

David Carkhuff

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When the New Hampshire Division of Motor Vehicles began offering driver's licenses that are compliant with the federal Real ID act on Tuesday, Jan. 3, response was muted.

"It's going quite well. We've been offering it since Tuesday. Some people are opting in, some aren't," said Larry Crowe, public information officer for the DMV in Concord. "It appears people are doing their renewals as usual, which we're thankful for because we don't want really long lines."

Residents are not required to obtain Real ID-compliant driver's licenses. "Other forms of identification, such as a passport, will be accepted for domestic air travel and for other federal purposes, such as entering secure federal facilities," the DMV explains at www.nh.gov/dmv.

"It's strictly opt in. It's not required," Crowe said. "As renewal dates come up, people can make that choice."

But starting Oct. 1, 2020, every traveler from New Hampshire will need to present a Real ID-compliant license or another acceptable form of identification for domestic air travel.

The 2005 federal Real ID act created these standards, prompting push back from some states.

"States at different rates of speed have been adopting it as we go along," Crowe said. Maine and New Hampshire were early holdouts (Maine legislators continue to debate whether to bring the state into line with the federal law).

Last year, the New Hampshire Legislature voted to allow the opt-in option for constituents.

New Hampshire Rep. Neal Kurk (R-Weare), one of the federal law's most ardent critics, said he personally will not apply for a Real ID-compliant driver's license.

The question he posed is: Are you concerned enough about the state collecting personal data about you that you're willing to put up with the inconvenience of carrying two documents, a driver's license for day-to-day use and a passport for air travel?

Under the system implemented on Tuesday, the default position is no, that the resident will not opt in.

"The application form or renewal form has at the top of it: Would you like to do Real ID? And there's a yes or no box," Crowe explained.

Libertarian think tank, the Cato Institute, wrote nearly a year ago about Kurk's effort to stem effects of the Real ID law.

"Ten years ago this month," the institute wrote on March 16, 2016, " Rep. Neal Kurk of Weare helped start the nationwide 'REAL ID Rebellion' with an impassioned speech on the floor of the New Hampshire House of Representatives. He objected to having a national ID card in the United States, and his words helped prevent New Hampshire from joining the federal government's driver surveillance program."

Since that time, legislators have received assurances that the federal government does not plan to store information gathered via the Real ID act.

The Department of Homeland Security reports, "REAL ID does not create a federal database of driver license information. Each jurisdiction continues to issue its own unique license, maintains its own records, and controls who gets access to those records and under what circumstances. The purpose of REAL ID is to make our identity documents more consistent and secure."

Kurk said he supported the state legislation allowing an opt-in, due in part to a clarification of federal policy.

"There will be no national database as far as we can determine," he said.

"One of the reasons for the Real ID ban in the first place no longer exists," Kurk said on Thursday.

The information gathered at DMV offices will be held by the state and not by the federal government, Kurk said, based on regulatory guidance from the Department of Homeland Security.

"There is a database, the database is held by the state, it does not go to the federal government" under the change in policy, he said. Under certain circumstances, the federal government can acquire information from state databases, but only on an individual basis, Kurk said.

"The state must keep those documents on file for seven years if a resident opts in," he added.

Kurk objected that a Real ID-compliant driver's license requires an assortment of documents for proof of identity and New Hampshire residency.

According to the DMV, the requirements for a Real ID-compliant driver's license are as follows:

- For proof of identity: An original or certified copy of your birth certificate; or certificate of naturalization; or a valid unexpired U.S. passport or U.S. passport card.
- For proof of Social Security number: a Social Security card issued by the Social Security Administration; or a paystub with full Social Security number; or a W-2 statement with full Social Security Number for the current year; or a 1099 statement with full Social Security number for the current year.

- For proof of residency, two of the following are required: valid, non-expired New Hampshire driver's license or non-driver ID card; a title application prepared by a town or city clerk or tax collector (must not be marked "non resident"); valid New Hampshire vehicle registration certificate (boat registration is not acceptable); lease, rental agreement or deed (properly signed by both parties); property tax (real estate) bill for the current year at the address provided; direct verification by a parent or guardian (if parent or guardian is not present, verification must be notarized); and within the past 60 days, a notarized letter from a property owner or current resident at the address provided; a mortgage statement at the property address provided; any current utility bill or delivery of service bill with "For Service At" address provided; a government check or a government document issued by an official in the municipality of residence, or a payroll check, payroll document, or employment contract.

"One of the problems with the choice is that residents will need additional documentation that isn't currently required if they want to opt in," Kurk said.

"This is a 'porcupine'-type state, we are small 'L' libertarian," Kurk said, referring to the symbol used by the Free State Project.

The Transportation Security Administration confirmed that for residents of other states, the deadline to comply looms closer. Starting Jan. 22, 2018, passengers who have driver's licenses or identification cards issued by a state that is not compliant with Real ID and that has not received an extension (like New Hampshire's) will need to show an alternative form of acceptable identification for domestic air travel.

The TSA confirmed that a passport is not the only option at airports — although the alternatives such as military IDs or permanent resident cards are not commonplace documents for the general public (<https://www.tsa.gov/travel/security-screening/identification>).