

The Maryland Highway Safety Act (SB 715) and REAL ID Compliance

In response to acts of terrorism committed against the United States, and in an effort to ensure the safety of citizens, Congress passed the REAL ID Act of 2005. The REAL ID Act is implemented through federal regulations administered by the U.S. Department of Homeland Security (6 C.F.R. § 37, as amended by 76 FR 12269). REAL ID requires states to issue drivers' licenses and identification (ID) cards that meet certain minimum standards in order to be accepted for federal purposes, such as access to federal facilities, boarding commercial aircraft, or other secure federal facilities designated by the Secretary of the U.S. Department of Homeland Security.

- The REAL ID Act specifically allows for states to create non-REAL ID compliant cards: This provision ensures motorway safety for all drivers.

(11) In any case in which the State issues a driver's license or identification card that does not satisfy the requirements of this section, ensure that such license or identification card--

(A) clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and

(B) uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose. (H.R. 1268 Sec. 202 (d), 2005)¹

- This means that Maryland *will* remain REAL ID compliant. The proposed limited-use licenses will clearly state on them "NOT FOR FEDERAL PURPOSES," in addition to the different design or color.² Those with driver's licenses or identification cards that do not meet the federal standards of REAL ID will find it harder to travel by air and enter federal buildings.
- Maryland *will not* lose any federal grants or funding with the passing of this legislation. No federal grants were tied directly to the REAL ID Act. Although, according to a final rule of the Department of Homeland Security, DHS has "assisted States in making significant progress toward meeting most of the REAL ID requirements. Since 2008, DHS has awarded States 150 separate grants that collectively total approximately \$175,000,000."³ This money was awarded to alleviate the states from the financial burden of becoming REAL ID compliant. Maryland *has already* become REAL ID compliant, thus no more money will be awarded to Maryland. This legislation will keep Maryland REAL ID compliant and thus will not require any new federal grants.

¹ Found at <http://www.dhs.gov/xlibrary/assets/real-id-act-text.pdf>

² The design aspects are set out in existing Maryland law at Md. Transportation Article, Sec. 16-122(d).

³"Rules and Regulations," Federal Register Volume 76, Number 44 (Monday, March 7, 2011), p. 12269-12271, found at <http://www.gpo.gov/fdsys/pkg/FR-2011-03-07/html/2011-5002.htm>