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S.L.C.

107TH CONGRESS
2D SESSION

# S. _____

IN THE SENATE OF THE UNITED STATES

Mr. DURBIN (for himself and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on _____

# A BILL

To improve the security of State-issued driver's licenses, enhance highway safety, verify personal identity, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Driver's License Fraud Prevention Act".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) The State-issued driver's license is the most widely used form of personal identification in the United States. Across the Nation, countless law en-

1 forcement agencies, retailers, financial institutions,
2 transportation agencies and carriers, and employers
3 acknowledge the presentation of a State-issued driv-
4 er's license as an acceptable and reliable method of
5 identity verification.

6 (2) The licensing of drivers in the United
7 States has historically varied widely, with no na-
8 tional or agreed upon State standards for content or
9 format for licenses, or for procedures for the
10 issuance of licenses. The differences among States in
11 the issuance process and the levels of security of the
12 license have created problems of national concerns.
13 Terrorist organizations, including al Qaeda
14 operatives involved in the attacks of September 11,
15 2001, have exploited these differences. Without uni-
16 form standards and procedures for the issuance of
17 driver's licenses, driver's licenses can be obtained
18 using fraudulent identity and residency documents,
19 and driver's licenses can often be easily counter-
20 feited.

21 (3) As a result of the Commercial Motor Vehi-
22 cle Safety Act of 1986 and the regulations promul-
23 gated pursuant to that Act, commercial drivers are
24 no longer able to legally obtain multiple commercial
25 licenses. However, no similar system is in place to

1 ensure one driver, one driver's license, one driving
2 record for each driver of a noncommercial motor ve-
3 hicle. A one driver, one license, one driving record
4 system ensures that States can better identify prob-
5 lem drivers, strengthen licensing processes, increase
6 licensing security, reduce licensing fraud, and im-
7 prove monitoring of a driver's performance.
8 (4) Highway safety is at risk when problem
9 drivers apply for, obtain, and use multiple licenses
10 issued under different identities, or by different
11 States, in order to hide their driving convictions.
12 Protection of highway safety by law enforcement and
13 driver licensing personnel would benefit from an im-
14 proved information system that permits ready identi-
15 fication of individuals holding fraudulent driver's li-
16 censes.
17 (5) Identity theft is one of the fastest growing
18 societal problems. According to the Federal Trade
19 Commission, identity theft was the top consumer
20 fraud problem of 2001, and it continues to cost
21 American consumers and businesses billions of dol-
22 lars in losses.
23 (6) While the issuance of driver's licenses is un-
24 equivocally a power of the States, the Federal Gov-
25 ernment can work cooperatively with the States in

1 crafting solutions to curtail future abuse of driver's
2 licenses, improve the security of driver's licenses,
3 and prevent problem drivers from obtaining multiple
4 licenses to hide convictions, without developing a na-
5 tional identification system or card.

6 **SEC. 3. PURPOSES.**

7 The purposes of this Act are as follows:
8 (1) To prevent the issuance or procurement of
9 a State-issued driver's license through fraud.
10 (2) To assist the States in improving their
11 processes for the issuance of motor vehicle driver's
12 licenses without affecting any State's authority to
13 make a determination of who is eligible to obtain a
14 driver's license in such State.
15 (3) To prevent the issuance of multiple driver's
16 licenses to the same individual.
17 (4) To prevent the manufacture, distribution,
18 marketing, sale, procurement, or use of altered or
19 counterfeit driver's licenses.
20 (5) To establish minimum security features for
21 driver's licenses.
22 (6) To ensure that a driver's privacy and con-
23 fidential information are protected.

24 **SEC. 4. DEFINITIONS.**

25 (a) DEFINITIONS.—In this Act:

1 (1) NATIONAL DRIVER REGISTER.—The term
2 "National Driver Register" means the information
3 system established under section 30302 of title 49,
4 United States Code.
5 (2) COMMERCIAL DRIVER'S LICENSE INFORMA-
6 TION SYSTEM.—The term "Commercial Driver's Li-
7 cense Information System" means the information
8 system administered under section 31309 of such
9 title.
10 (3) DRIVER'S LICENSE.—The term "driver's li-
11 cense" has the meaning given such term in section
12 30301(5) of such title, as amended by subsection
13 (b)(1).
14 (b) AMENDMENTS FOR CHAPTER 303.—
15 (1) DRIVER'S LICENSE.—
16 (A) DEFINITION.—Section 30301(5) of
17 title 49, United States Code, is amended by
18 striking "'motor vehicle operator's license'"
19 and inserting "'driver's license'".
20 (B) CONFORMING AMENDMENTS.—Chapter
21 303 of such title is amended—
22 (i) by striking "motor vehicle opera-
23 tor's license" each place it appears and in-
24 serting "driver's license"; and

(ii) in section 30305(b)(6), by striking "motor vehicle operator's licenses" and inserting "driver's licenses".

(2) NEW DEFINITIONS.—Section 30301 of title 49, United States Code, is amended by adding at the end the following new paragraphs:

"(9) 'Commercial driver's license' has the meaning given that term in section 31301 of this title.

"(10) 'Identification card' means an identification card issued to an individual by a State through its chief driver licensing official.".

(c) AMENDMENT FOR CHAPTER 313.—Section 31301(6) of title 49, United States Code, is amended to read as follows:

"(6) 'driver's license' means a license issued by a State authorizing an individual to operate a motor vehicle on public streets, roads, or highways.".

# TITLE I—FRAUD PREVENTION AND CRIMINAL PENALTIES

**SEC. 101. UNIQUE IDENTIFIER STUDY.**

(a) STUDY.—The Secretary of Transportation shall complete an assessment of—

(1) the personal information and characteristics recorded by the States to identify individuals for

1 purposes of issuing driver's licenses, and the effec-
2 tiveness of such information and characteristics in
3 promoting driver's license integrity;
4 (2) potential methods for uniquely identifying
5 individuals, including using biometric identifiers,
6 drawing on the research completed by the Federal
7 Motor Carrier Safety Administration with respect to
8 drivers of commercial motor vehicles;
9 (3) the cost and practical feasibility of using a
10 unique identifier to identify drivers nationwide and
11 the time needed to fully implement such a system;
12 and
13 (4) the anticipated effects of use of possible
14 unique identifiers on driver's licenses, specifically,
15 the effects on driver's license integrity, the use of
16 the driver's license for identification purposes, per-
17 sonal privacy, and prevention of identity theft.
18 (b) REPORT.—Not later than 6 months after the date
19 of enactment of this Act, the Secretary of Transportation
20 shall submit a report on the results of the assessment re-
21 quired by subsection (a) to the Committee on Transpor-
22 tation and Infrastructure of the House of Representatives
23 and the Committee on Commerce, Science, and Transpor-
24 tation of the Senate. The report may include any rec-
25 ommendations that the Secretary considers appropriate.

1 (c) BIOMETRIC IDENTIFIER.—For purposes of this
2 section the term "biometric identifier" means a physical
3 characteristic or combination of physical characteristics
4 that may be used in automated methods of authenticating
5 or verifying the identity of an individual.

6 **SEC. 102. NEW REQUIREMENTS AND CRIMINAL PENALTIES.**

7 (a) REDESIGNATION.—Chapter 303 of title 49,
8 United States Code, is amended by redesignating sections
9 30306, 30307, and 30308 as sections 30311, 30312, and
10 30315, respectively.

11 (b) REQUIREMENTS AND PENALTIES.—Chapter 303
12 of such title is further amended by—

13 (1) inserting after section 30305 the following
14 new sections:

15 **"§ 30306. Minimum identification requirements**

16 "The Secretary of Transportation, in consultation
17 with the chief driver licensing official of each participating
18 State and any organization that represents the interests
19 of the States determined appropriate by the Secretary,
20 shall prescribe regulations under subchapter III of chapter
21 5 of title 5 that set forth minimum standards for proc-
22 essing driver's license and identification card applications,
23 including proof of the identity of an applicant for a driv-
24 er's license or identification card, that shall be applied uni-
25 formly by the participating States. Such regulations—

1 "(1) may authorize the chief driver licensing of-
2 ficial of a State to communicate with an appropriate
3 official of a Federal agency to verify the authenticity
4 of documents presented to prove the identity of an
5 individual issued by such Federal agency;
6 "(2) may not directly or indirectly infringe on
7 a State's power to set eligibility criteria for obtain-
8 ing a driver's license or identification card from that
9 State; and
10 "(3) may not require a State to comply with
11 any such regulation that conflicts with or otherwise
12 interferes with the full enforcement of such eligibility
13 criteria by the State.
14 **"§ 30307. Security of driver's licenses**
15 "(a) LICENSE SECURITY.—The Secretary of Trans-
16 portation, in consultation with the chief driver licensing
17 official of each participating State, organizations that pre-
18 scribe or recommend security standards, security experts,
19 and other interested parties, shall prescribe regulations
20 under subchapter III of chapter 5 of title 5 that set out
21 the minimum security standards that shall be applied by
22 a participating State to prevent fraud in the issuance or
23 use of a driver's license or identification card. Such regula-
24 tions may not—

1 "(1) directly or indirectly infringe on a State's
2 power to set eligibility criteria for obtaining a driv-
3 er's license or identification card from that State;
4 and
5 "(2) require a State to comply with any such
6 regulation that conflicts with or otherwise interferes
7 with the full enforcement of such eligibility criteria
8 by the State.
9 "(b) MINIMUM SECURITY STANDARDS.—The min-
10 imum security standards prescribed under subsection (a)
11 shall—
12 "(1) provide that driver's licenses and identi-
13 fication cards—
14 "(A) be resistant to tampering or altering;
15 "(B) be resistant to counterfeiting; and
16 "(C) be designed to accommodate a unique
17 identifier if the Secretary of Transportation
18 finds, in the assessment conducted under sec-
19 tion 101 of the Driver's License Fraud Preven-
20 tion Act, that there is a need to require a na-
21 tionwide unique identifier system; and
22 "(2) require a State to confiscate a driver's li-
23 cense or identification card if any component or se-
24 curity feature of the license or identification card is
25 compromised.

1 **"§ 30308. License issuance prohibitions**

2 "The chief driver licensing official of each State shall
3 prohibit the issuance of a driver's license from that
4 State—

5 "(1) to an individual who holds a currently
6 valid driver's license issued by that State or by an-
7 other State, other than a driver's license being sur-
8 rendered in connection with the issuance of the new
9 driver's license; and

10 "(2) to an individual during a period in which
11 the individual is disqualified from operating a motor
12 vehicle or the individual's driver's license is revoked,
13 suspended, or canceled in any State.

14 **"§ 30309. State audits**

15 "(a) IN GENERAL.—The chief driver licensing official
16 of each participating State shall conduct an audit of the
17 processes that the State uses to issue driver's licenses and
18 identification cards to determine the State's compliance
19 with the requirements of this chapter and the effectiveness
20 of the audited processes for preventing the procurement
21 of driver's licenses and identification cards from the State
22 through fraud.

23 "(b) REGULATIONS.—The Secretary of Transpor-
24 tation shall prescribe regulations setting forth the manner
25 in which the audits required by subsection (a) shall be con-
26 ducted. Such regulations shall include methods to identify

1 the functions that are susceptible to fraudulent activity,
2 methods to detect such activities, and procedures and tools
3 for preventing fraud.

4 "(c) PERIODIC REVIEWS.—The Secretary of Trans-
5 portation shall conduct periodic reviews of State proce-
6 dures to ensure compliance with the terms of this chapter
7 and the regulations issued pursuant to this chapter and
8 to provide recommendations to the States for improving
9 driver license issuance processes and preventing fraud.

10 **"§ 30310. Interstate agreements**

11 "(a) DRIVER LICENSE AGREEMENT.—The Secretary
12 of Transportation shall assist participating States in de-
13 veloping a Driver License Agreement for use to ensure full
14 reciprocity among participating States on all issues related
15 to driver's licenses and maintenance of driving records.

16 "(b) PURPOSE.—The Driver License Agreement shall
17 promote highway safety by facilitating the sharing of driv-
18 er's license information and conviction records among the
19 States.

20 "(c) GRANTS.—The Secretary of Transportation is
21 authorized to award grants to States or other appropriate
22 entities to facilitate the development of the Driver License
23 Agreement or assist a State in meeting the requirements
24 of such Agreement.

1 "(d) REQUIREMENT FOR PARTICIPATION.—To be a
2 participating State, a State shall enter into and comply
3 with the Driver License Agreement developed under sub-
4 section (a)."; and
5 (2) inserting after section 30312, as redesig-
6 nated by subsection (a), the following new sections:
7 **"§ 30313. Criminal penalties for fraudulent issuance,**
8 **renewal, upgrade, or transfer of driver's**
9 **license**
10 "Any person who knowingly issues, obtains, or facili-
11 tates the issuance, renewal, upgrade, transfer, or obtain-
12 ing of, a driver's license (including any commercial driver's
13 license, or an endorsement for a commercial driver's li-
14 cense) or identification card, or attempts to do so, know-
15 ing the license or endorsement to have been wrongfully
16 issued or obtained, or issued, renewed, upgraded, trans-
17 ferred, or obtained through the submission of false infor-
18 mation or the intentional withholding of required informa-
19 tion is guilty of a Class E felony punishable by a fine,
20 imprisonment, or both, as provided in title 18.
21 **"§ 30314. Grants for pilot programs**
22 "(a) IN GENERAL.—The Secretary of Transportation
23 is authorized to award grants to a participating State to
24 enable the participating State to implement innovative
25 programs to verify driver identity, prevent fraud in the

1 procurement of driver's licenses, and demonstrate the use
2 of technology to create tamper resistant, secure driver's
3 licenses.

4 "(b) INNOVATIVE PROGRAMS.—The innovative pro-
5 grams referred to in subsection (a) may include a program
6 to make new data sources available for identity
7 verification, a program to conduct audits to prevent or de-
8 tect employee fraud, and a program for the issuance of
9 driver and identity documents with high security features
10 that improve the integrity of the State driver's licenses
11 and identification cards.

12 "(c) FEDERAL SHARE.—The Federal share of the
13 cost of activities funded using amounts from a grant re-
14 ceived by a participating State under this section shall be
15 not less than 80 percent.".

16 **SEC. 103. CRIMINAL PENALTIES UNDER TITLE 18, UNITED**
17 **STATES CODE.**

18 (a) CRIMINAL PENALTIES FOR UNAUTHORIZED USE
19 OF STATE MOTOR VEHICLE RECORDS.—Title 18, United
20 States Code, is amended—

21 (1) in section 2721—

22 (A) in subsection (b)—

23 (i) in paragraph (3), by striking "For
24 use" and all that follows through the pe-
25 riod at the end and inserting the following:

1 "For use by a person, firm, or corporation
2 that is in possession of personal informa-
3 tion, but has reason to believe that such
4 personal information, as submitted, is not
5 correct, only for the purpose of preventing
6 fraud by—
7 "(A) pursuing legal remedies against the
8 individual; or
9 "(B) recovering on a debt or security inter-
10 est against the individual.";
11 (ii) by striking paragraph (8);
12 (iii) in paragraph (9), by striking
13 "For use" and all that follows through the
14 period at the end and inserting "For use
15 by an employer or the agent or insurer of
16 an employer to obtain or verify information
17 relating to employment of an individual.";
18 (iv) by striking paragraph (12);
19 (v) by striking paragraph (14); and
20 (vi) by renumbering paragraphs (9),
21 (10), (11), and (13) as paragraphs (8),
22 (9), (10), and (11), respectively; and
23 (B) in subsection (e), by striking "18
24 U.S.C. 2725(1)" and inserting "paragraph (1)
25 or (6) of section 2725";

(2) in section 2722, by striking "or disclose" and inserting ", disclose, or use"; and

(3) in section 2725—

(A) in paragraph (1), by striking "any record" and all that follows through the semicolon and inserting "any record, including an electronic record, as defined in section 106(4) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006(4)), that pertains to, or is contained in, a motor vehicle operator's permit or driver's license, including data stored in a machine-readable format on the driver's license card, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles or the chief driver licensing official of a State;";

(B) in paragraph (3), by striking "information that" and all that follows through the period at the end and inserting "information that identifies an individual, including an individual's photograph or image, biometric identification data, including digital facial images, or other electronic identification information, social security number, driver identification number, name, address (but not the zip code), tele-

1 phone number, medical or disability informa-
2 tion, birth date, information on physical charac-
3 teristics, including height, weight, sex, hair
4 color, and eye color, and any physical copy of
5 a driver's license, but not including information
6 on vehicular accidents, driving or equipment-re-
7 lated violations, dispositions by any court or ad-
8 ministrative body, and driver's license or reg-
9 istration status;"
10 (C) in paragraph (4)—
11 (i) by inserting "biometric identifica-
12 tion data," after "image,"; and
13 (ii) by striking "; and" at the end,
14 and inserting ", birth date, information on
15 physical characteristics, including height,
16 weight, sex, hair color, and eye color, and
17 any physical copy of a driver's license;";
18 (D) in paragraph (5), by striking the pe-
19 riod at the end and inserting a semicolon; and
20 (E) by adding at the end the following:
21 "(6) 'biometric identification data' means phys-
22 ical characteristics that may be used in automated
23 methods of authenticating or verifying the identity
24 of an individual; and

1 "(7) 'chief driver licensing official' has the
2 meaning given that term in section 30301(2) of title
3 49, United States Code.".
4 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
5 Section 2721 of title 18, United States Code, is
6 amended—
7 (1) in subsection (a)(2), by striking "in sub-
8 sections (b)(1), (b)(4), (b)(6), and (b)(9): *Provided,*
9 That" and inserting the following: "in paragraphs
10 (1), (4), (6), and (8) of subsection (b), provided
11 that"; and
12 (2) in subsection (c)—
13 (A) by striking "subsection (b)(11)" each
14 place that term appears and inserting "sub-
15 section (b)(10)";
16 (B) by striking "or (12)" each place that
17 term appears; and
18 (C) by striking "An authorized recipient
19 under subsection (b)(12) may resell or redis-
20 close personal information pursuant to sub-
21 section (b)(12).".
22 (c) ENHANCED PENALTIES FOR INTERNAL
23 FRAUD.—Chapter 25 of title 18, United States Code, is
24 amended by adding at the end the following:

1 **"§ 515. Unauthorized use of State motor vehicle agen-**
2 **cy equipment**

3 "Any person who uses or provides access to records,
4 equipment, or software that is owned or controlled by a
5 State motor vehicle agency to manufacture driver's li-
6 censes or State identification cards without express au-
7 thorization from such agency shall be guilty of a class C
8 felony punishable by a fine, imprisonment, or both as pro-
9 vided by this title.".

10 **SEC. 104. CLERICAL AMENDMENTS.**

11 (a) TITLE 18, UNITED STATES CODE.—The table of
12 sections at the beginning of chapter 25 of title 18, United
13 States Code, is amended by inserting after the item relat-
14 ing to section 514 the following:

"515. Unauthorized use of State motor vehicle agency equipment.".

15 (b) TITLE 49, UNITED STATES CODE.—

16 (2) CHAPTER 303 TABLE OF SECTIONS.—The
17 table of sections at the beginning of chapter 303 of
18 such title is amended to read as follows:

"30301. Definitions.
"30302. National Driver Register.
"30303. State participation.
"30304. Reports by chief driver licensing officials.
"30305. Access to Register information.
"30306. Minimum identification requirements.
"30307. Security of driver's licenses.
"30308. License issuance prohibitions.
"30309. State audits.
"30310. Interstate agreements.
"30311. National Driver Register Advisory Committee.
"30312. Criminal penalties.
"30313. Criminal penalties for fraudulent issuance, renewal, upgrade, or transfer of driver's license.

"30314. Grants for pilot programs.
"30315. Authorization of appropriations.".

# TITLE II—DRIVER RECORD INFORMATION VERIFICATION SYSTEM

## SEC. 201. CONSOLIDATION OF THE NATIONAL DRIVER REGISTER AND THE COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.

(a) REQUIREMENT TO CONSOLIDATE SYSTEMS.—The Secretary of Transportation shall consolidate the National Driver Register, the Commercial Driver's License Information System, and information on all licensed drivers required by the amendments made by this Act into a new Driver Record Information Verification System that is administered under chapter 303 of title 49, United States Code, as amended by this Act.

(b) PURPOSE.—Except as otherwise provided in sections 30305 and 31106 of title 49, United States Code, the Driver Record Information Verification System shall provide States with instant and reliable access to driver information for the purposes of—

(1) ensuring that an operator of a motor vehicle has not been issued more than one State-issued driver's license that is valid at any one time;

(2) verifying the authenticity of a State-issued driver's license;

1 (3) accurately posting convictions and driver's
2 license withdrawal actions to the proper driver his-
3 tory record; and
4 (4) ascertaining the status and history of driv-
5 er's license suspensions, revocations, or cancellations
6 and convictions for driving-related offenses.
7 (c) TIME FOR COMPLETION.—The Secretary shall
8 complete the actions required under subsection (a) not
9 later than the effective date provided in section 401.
10 (d) REGULATIONS.—The Secretary of Transportation
11 shall prescribe regulations that—
12 (1) provide for an orderly transition from the
13 National Driver Register to the Driver Record Infor-
14 mation Verification System; and
15 (2) require participating States under section
16 30303 of title 49, United States Code, to comply
17 with all requirements under the National Driver
18 Register during the transition period.
19 **SEC. 202. STATE PARTICIPATION IN THE DRIVER RECORD**
20 **INFORMATION VERIFICATION SYSTEM.**
21 Section 30303 of title 49, United States Code, is
22 amended—
23 (1) in subsection (a), by inserting before the pe-
24 riod at the end the following: "and the regulations

1 prescribed under sections 30306 and 30307 of this
2 title"; and
3 (2) by adding at the end the following:
4 "(d) GRANTS.—
5 "(1) AUTHORITY.—The Secretary of Transpor-
6 tation is authorized to award a grant to each partici-
7 pating State, or to any entity designated by an offi-
8 cial of a State determined appropriate by the Sec-
9 retary or such an official of each of two or more
10 States, to assist the State or States in developing
11 and implementing the Driver Record Information
12 Verification System described in section 30302 of
13 this title.
14 "(2) APPLICATIONS.—A State or an entity
15 seeking a grant under this subsection shall submit to
16 the Secretary an application that is in such form
17 and contains such information as the Secretary may
18 require. The Secretary shall evaluate applications in
19 the order received and award a grant upon approval
20 of the application for the grant.
21 "(3) FEDERAL SHARE.—The Federal share of
22 the cost of activities funded using amounts from a
23 grant received by, or on behalf of, a State under this
24 subsection shall be not less than 80 percent.".

1 **SEC. 203. REDESIGNATION OF INFORMATION SYSTEM.**

2 (a) REDESIGNATION OF NATIONAL DRIVER REG-
3 ISTER.—The National Driver Register established under
4 section 30302 of title 49, United States Code, is redesig-
5 nated as the "Driver Record Information Verification Sys-
6 tem".

7 (b) REFERENCE TO SYSTEM.—Any reference to the
8 National Driver Register in any law, regulation, docu-
9 ment, record, or other paper of the United States shall
10 be considered to be a reference to the Driver Record Infor-
11 mation Verification System.

12 (c) CONFORMING AMENDMENTS TO TITLE 49.—

13 (1) CHAPTER HEADING.—The heading for
14 chapter 303 of title 49, United States Code, is
15 amended to read as follows:

16 **"CHAPTER 303—DRIVER RECORD**
17 **INFORMATION VERIFICATION SYSTEM".**

18 (2) REFERENCES IN TEXT.—

19 (A) CHAPTER 303.—Chapter 303 of such
20 title is amended—

21 (i) by striking "National Driver Reg-
22 ister" in sections 30301(6), 30302(a),
23 30303(b), 30304(e), 30305(b)(2),
24 30305(b)(8), 30306(a), and 30306(b)(1)
25 and inserting "Driver Record Information
26 Verification System";

(ii) by striking "National Driver Register's" each place it appears in section 30302(e) and inserting "Driver Record Information Verification System's";

(iii) by striking "Register" each place it appears in sections 30302, 30305, and 30306 and inserting "Driver Record Information Verification System";

(iv) by striking the heading for section 30302 and inserting the following:

**"§ 30302. Driver Record Information Verification System";**

(v) in the heading for section 30305, by striking **"Register"**;

(vi) in the heading for section 30311 (as redesignated by section 102(a)), by striking **"National Driver Register"** and inserting **"Driver Record Information Verification System"**;

(vii) by striking the heading for section 30312 (as redesignated by section 102(a)) and inserting the following:

1 **"§ 30312. Criminal penalties for misuse of informa-**
2 **tion"**;
3 (viii) in paragraph (1) of section
4 30312(a) (as redesignated by section
5 102(a)), by striking "specified in section
6 30304(b)(1)(A) or (C)" and inserting
7 "contained in a record of the Driver
8 Record Information Verification System
9 under section 30302";
10 (ix) in paragraph (2) of section
11 30312(a), by striking "section 30305" and
12 inserting "section 30304 or 30305"; and
13 (x) in subsection (b) of section 30312,
14 by striking "specified in section
15 30304(b)(1)(A) or (C) of this title from a
16 person receiving the information under sec-
17 tion 30305" and inserting "indexed in the
18 Driver Record Information Verification
19 System under section 30302 from a person
20 receiving the information under section
21 30304 or 30305".
22 (B) CHAPTER 313.—Chapter 313 of such
23 title is amended—
24 (i) by adding at the end of section
25 31301 the following new paragraph:

1 "(15) 'Driver Record Information Verification
2 System' means the information system maintained
3 by the Secretary of Transportation under chapter
4 303 of this title.";
5 (ii) in section 31309(a), by striking
6 "The Secretary of Transportation shall
7 maintain an information system that will"
8 and inserting "The Driver Record Infor-
9 mation Verification System shall";
10 (iii) in paragraphs (5), (7), and (8) of
11 section 31311(a), by striking "information
12 system under section 31309 of this title, as
13 the case may be," and inserting "Driver
14 Record Information Verification System";
15 and
16 (iv) in paragraph (16)(A) of section
17 31311(a), by striking "National Driver
18 Register maintained under chapter 303 of
19 this title (after the Secretary decides the
20 Register is operational)" and inserting
21 "Driver Record Information Verification
22 System".

1 **SEC. 204. OPERATION OF THE DRIVER RECORD INFORMA-**
2 **TION VERIFICATION SYSTEM.**

3 (a) IN GENERAL.—Subsection (a) of section 30302
4 of title 49, United States Code, is amended—

5 (1) in the second sentence, by striking "section
6 30304 of this title" and inserting "sections 30304
7 and 31309 of this title, or reported under section
8 30308 of this title by an organization described in
9 subsection (f)(1)";

10 (2) in the third sentence, by striking "(elec-
11 tronically or, until all States can participate elec-
12 tronically, by United States mail)—" and inserting
13 "to electronically—"; and

14 (3) by striking paragraphs (1) through (4) and
15 inserting the following:

16 "(1) receive information submitted under sec-
17 tion 30304, 30308, or 31309 of this title;

18 "(2) receive a request for information under
19 section 30304(e), 30305, or 31309 of this title;

20 "(3) if appropriate, refer the request to the
21 chief driver licensing official of a State of record;

22 "(4) if appropriate, relay information provided
23 by a chief driver licensing official of a State of
24 record or by any organization described in sub-
25 section (f)(1) to the chief driver licensing official of

1 a participating State in response to the request,
2 without interception of the information; and
3 "(5) respond to requests under section
4 30304(e) or 31309(a) of this title.".
5 (b) CORRECTION OF ERRONEOUS INFORMATION.—
6 Subsection (c) of such section is amended by striking "(c)
7 TRANSITION FROM PRIOR REGISTER.—" and all that fol-
8 lows through "(3)" at the beginning of paragraph (3) and
9 inserting the following:
10 "(c) CORRECTION OF ERRONEOUS INFORMA-
11 TION.—".
12 (c) FEES.—Subtitle VI of title 49, United States
13 Code, is amended—
14 (1) by redesignating subsection (e) of section
15 30302 as subsection (f); and
16 (2) by redesignating subsection (d) of section
17 31309 as subsection (e), transferring such sub-
18 section (as so redesignated) to section 30302, and
19 inserting such subsection after subsection (d).
20 **SEC. 205. REPORTING OF INFORMATION TO THE DRIVER**
21 **RECORD INFORMATION VERIFICATION SYS-**
22 **TEM.**
23 Section 30304 of title 49, United States Code, is
24 amended—

1 chapter 5 of title 5 that require the chief driver li-
2 censing official of each participating State to submit
3 or make available information through the Driver
4 Record Information Verification System that will as-
5 sist the chief driver licensing official of a partici-
6 pating State in—
7 "(A) preventing the issuance of multiple
8 driver's licenses to an individual; and
9 "(B) timely posting to an individual's driv-
10 ing record information regarding a conviction
11 for an offense described in described in sub-
12 section (a)(3) that was adjudicated in another
13 State.
14 "(2) REQUIRED INFORMATION.—The informa-
15 tion required from the chief driver licensing official
16 in a participating State under paragraph (1) shall
17 include—
18 "(A) information that facilitates accurate
19 identification of each individual holding a driv-
20 er's license issued by the State; and
21 "(B) the driving record maintained by that
22 State for each individual holding a driver's li-
23 cense issued by the State.".

1 **SEC. 206. ACCESS TO THE DRIVER RECORD INFORMATION**
2 **VERIFICATION SYSTEM.**
3 (a) IN GENERAL.—Section 30305 of title 49, United
4 States Code, is amended—
5 (1) in subsection (a)—
6 (A) in paragraph (1), by striking "refer,
7 electronically or by United States mail," and in-
8 serting "electronically refer"; and
9 (B) in paragraph (2)—
10 (i) by striking "relay, electronically or
11 by United States mail," and inserting
12 "electronically relay"; and
13 (ii) by striking "section 30304" and
14 inserting "section 30304, 30306, or
15 30307"; and
16 (2) in subsection (b), by adding at the end, the
17 following new paragraph:
18 "(12) For the purposes of administering or ensuring
19 compliance with the provisions of this chapter or regula-
20 tions issued pursuant to this chapter, any law enforcement
21 agency, in carrying out its functions, may request the chief
22 driver licensing official of a State to provide information
23 under subsection (a) of this section about an individual
24 to such agency.".
25 (b) STATE ACCESS.—The Secretary of Transpor-
26 tation shall ensure that, not later than 5 years after the

1 date of enactment of this Act, the chief driver licensing
2 official of each participating State is able to access all
3 records in the Driver Record Information Verification Sys-
4 tem.

5 **SEC. 207. ADDITIONAL CLERICAL AMENDMENTS TO TITLE**
6 **49, UNITED STATES CODE.**

7 (a) TITLE 49, UNITED STATES CODE.—

8 (1) SUBTITLE VI TABLE OF CONTENTS.—The
9 table of contents at the beginning of subtitle VI of
10 title 49, United States Code, is amended by striking
11 the item relating to chapter 303 and inserting the
12 following:

"303. DRIVER RECORD INFORMATION VERIFICATION SYSTEM ..... 30301".

13 (2) CHAPTER 303 TABLE OF SECTIONS.—The
14 table of sections at the beginning of chapter 303 of
15 such title is amended—

16 (A) by striking the item relating to section
17 30302 and inserting the following:

"30302. Driver Record Information Verification System.";

18 (B) by striking the item relating to section
19 30305 and inserting the following:

"30305. Access to information.";

20 and

1 (C) by striking the items relating to sec-
2 tions 30311 and 30312 and inserting the fol-
3 lowing:

"30311. Driver Record Information Verification System Advisory Committee.
"30312. Criminal penalties for misuse of information.".

4 (3) CHAPTER 313 TABLE OF SECTIONS.—The
5 table of sections at the beginning of chapter 313 of
6 such title is amended by striking the item relating
7 to section 31309 and inserting the following:

"31309. Commercial driver licenses: compilation of information.".

# 8 TITLE III—PROHIBITION OF SO-
# 9 CIAL SECURITY NUMBERS ON
# 10 MOTOR VEHICLE RECORDS

## 11 SEC. 301. PROHIBITION OF SOCIAL SECURITY NUMBERS ON
## 12 MOTOR VEHICLE RECORDS.

13 (a) IN GENERAL.—Section 205(c)(2)(C)(vi) of the
14 Social Security Act (42 U.S.C. 405(c)(2)(C)(vi)) is
15 amended—
16 (1) by inserting "(I)" after "(vi)"; and
17 (2) by adding at the end the following:
18 "(II)(aa) An agency of a State (or a political subdivi-
19 sion thereof), in the administration of any driver's license
20 or motor vehicle registration law within its jurisdiction,
21 may not disclose or display the social security numbers
22 issued by the Commissioner of Social Security, or any de-
23 rivative of such numbers, on any driver's license or motor

1 vehicle registration or any other document issued by such
2 State (or a political subdivision thereof) to an individual
3 for purposes of identification of such individual.

4 "(bb) Nothing in this subclause shall be construed
5 as precluding an agency of a State (or a political subdivi-
6 sion thereof), in the administration of any driver's license
7 or motor vehicle registration law within its jurisdiction,
8 from using a social security number for an internal use,
9 from using the social security online verification system
10 maintained by the Commissioner of Social Security to
11 verify an applicant's social security number, or from link-
12 ing with the database of an agency of another State that
13 is responsible for the administration of any driver's license
14 or motor vehicle registration law.".

15 (b) CONFORMING AMENDMENT.—Paragraph (3)(B)
16 of section 31308 of title 49, United States Code, is amend-
17 ed by striking "social security account number or other".

# 18 TITLE IV—OTHER PROVISIONS

19 **SEC. 401. DELAYED EFFECTIVE DATES.**

20 Titles II (except section 201) and III, and the amend-
21 ments made by such titles shall take effect on the date
22 that is one year after the date of the enactment of this
23 Act.

1 **SEC. 402. FINAL REGULATIONS.**

2 The Secretary of Transportation shall issue final reg-
3 ulations under sections 30306, 30307, and 30309(b) of
4 title 49, United States Code (as added by section 102(b)),
5 not later than one year after the date of enactment of this
6 Act.

7 **SEC. 403. AUTHORIZATION OF APPROPRIATION.**

8 There are authorized to be appropriated to carry out
9 the provisions of this Act and the amendments made by
10 this Act—

11 (1) for fiscal year 2003, $20,000,000 which
12 shall remain available until expended, of which
13 $10,000,000 shall be available for making grants
14 under section 30314 of title 49, United States Code
15 (as added by section 102(b)); and

16 (2) for the fiscal years 2004 through 2007,
17 $50,000,000 which shall remain available until ex-
18 pended.