

Material Compliance Checklist

#	Section	Does the State	Yes, is met	No, will meet by [date]	Comments
1	§ 37.11(a)	Subject each applicant to a mandatory facial image capture and retain such image even if a driver license (DL) or identification card (ID) is not issued	<input type="radio"/>		
2	§ 37.11(b)	Have each applicant sign a declaration under penalty of perjury that the information presented is true and correct, and the State must retain this declaration	<input type="radio"/>		
3	§ 37.11(c) (1)	Require an individual to present at least one of the source documents listed in subsections (i) through (x) when establishing identity	<input type="radio"/>		
4	§ 37.11(d)-(g)	Require documentation of: <ul style="list-style-type: none"> • Date of birth • Social Security Number • Address of principal residence • Evidence of lawful status 	<input type="radio"/>		
5	§ 37.11(h)	Have a documented exceptions process that meets the requirements established in 37.11(h)(1)-(3)(If States choose to have such a process)	<input type="radio"/>		
6	§ 37.13	Make reasonable efforts to ensure that the applicant does not have more than one DL or ID already issued by that State under a different identity	<input type="radio"/>		
7	§ 37.13(b)(1)	Verify lawful status through SAVE or another method approved by DHS	<input type="radio"/>		
8	§ 37.13(b)(2)	Verify Social Security account numbers with the Social Security Administration or another method approved by DHS	<input type="radio"/>		
9	§ 37.15(b)	Issue DL and IDs that contain Level 1, 2 and 3 integrated security features	<input type="radio"/>		
10	§37.17(a)-(l)	Surface of cards include the following printed information in Latin alpha-numeric characters: <ul style="list-style-type: none"> • Full legal name • Date of birth • Gender • Unique DL/ID number • Full facial digital photograph • Address of principal residence [with exceptions] • Signature [with exceptions] • Date of transaction 	<input type="radio"/>		

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		<ul style="list-style-type: none"> • Expiration date • State or territory of issuance 			
11	§ 37.17 (n)	Commit to marking fully compliant DL and IDs with a DHS-approved security marking	<input type="radio"/>		
12	§ 37.21	Issue temporary or limited-term licenses to all individuals with temporary lawful status and tie license validity to the end of lawful status	<input type="radio"/>		
13	37.41	Have a documented security plan for DMV operations in accordance with the requirements set forth in § 37.41	<input type="radio"/>		
14	§ 37.41(b)(2)	Have protections in place to ensure the security of personally identifiable information	<input type="radio"/>		
15	§ 37.41 (b) (5) (i)-(ii)	Require all employees handling source documents or issuing DL or IDs to attend and complete the AAMVA approved (or equivalent) fraudulent document recognition training and security awareness training	<input type="radio"/>		
16	§ 37.45	Conduct name-based and fingerprint-based criminal history and employment eligibility checks on employees in covered positions or an alternative procedure approved by DHS	<input type="radio"/>		
17	§ 37.51 (b)	Commit to be in full compliance with Subparts A through D on or before May 11, 2011	❖		
18	§37.71(a)(1)	Clearly state on the face of non-compliant DLs or IDs that the card is not acceptable for official purposes, except for licenses renewed or reissued under § 37.27	<input type="radio"/>		

Remaining Items to Meet Full Compliance

As per our discussion with the DHS Programs Office please find an additional 21 guidelines (numbered 19 through 39) that can be used as a tool for coming into full compliance with the REAL ID Rules. These are not official but will be discussed during the Regional Meetings February 4-8th.

Checklist For Remaining Items to Meet Full Compliance					
#	Section	Does the State	Yes, is met	No, will meet by [date]	Comments
19	§ 37.05(a)	Issue REAL ID DL/ID cards valid for a period not to exceed eight years	<input type="radio"/>		
20	§ 37.11(i)	Take sufficient steps in issuing REAL ID DL/ID cards to safeguard the identities of persons identified in section 37.11(i)	<input type="radio"/>		
21	§ 37.13(b)(3)	Verify birth certificates	<input type="radio"/>		
22	§ 37.13(b)	Verify a U.S. passport, Consular Report of Birth Abroad, and U.S. Visa with accompanying valid I-94	<input type="radio"/>		
23	§ 37.13(b)(5)	Verify REAL ID driver's licenses and identification cards with the State of issuance	<input type="radio"/>		
24	§ 37.15(a)(1)	Include document security features on REAL ID DL/ID cards that are not capable of being reproduced using technologies that are commonly used and made available to the general public.	<input type="radio"/>		
25	§ 37.15(d)	Conduct a review and submit a report to DHS on card design and the ability of the card to resist forgery and counterfeiting	<input type="radio"/>		
26	§ 37.19 (a)-(j) § 37.21(e)	Include all of the information on the face of the card in the PDF-417 Machine Readable Zone of the card and, in addition, the: <ul style="list-style-type: none"> • Card design revision date • Inventory control number • Indication that license is temporary or limited-term 	<input type="radio"/>		
27	§ 37.21	Prior to renewing temporary or limited-term driver's license or identification cards, require applicants to: <ul style="list-style-type: none"> • Present valid documentary evidence that their qualification is still in effect or that they have qualified for another lawful status; and • Verify information presented through SAVE, or another method approved by DHS 	<input type="radio"/>		

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28	§ 37.23(a)	Have a procedure in place to verify an applicant's identity each time a REAL ID DL/ID card is reissued.	<input type="radio"/>		
29	§ 37.23(b)	Conduct remote re-issuance, if permitted, in accordance with section 37.13 verification procedures (excluding re-issuance of duplicate cards).	<input type="radio"/>		
30	§ 37.23(c)	Require in person re-issuance when there is any material change in personally identifiable information since prior issuance, as defined in § 37.03. Such information shall be verified as specified in 37.13	<input type="radio"/>		
31	§37.25(a)(1)-(3)	Prior to renewing a REAL ID DL/ID: <ul style="list-style-type: none"> • Take an updated photograph of all holder's of REAL ID drivers license and identification cards no less frequently than every sixteen years • Re-verify applicant's SSN and lawful status, as well as information it was unable to verify at previous issuances or renewals because systems or processes did not exist. 	<input type="radio"/>		
32	§37.25(b)(1)-(2)	If remote REAL ID renewals are permitted: <ul style="list-style-type: none"> • Re-verify the applicants information through SAVE and SSOLV (or other methods approved by DHS) • Prohibit the remote renewal of REAL ID DL/ID when there is a material change in personally identifiable information, as defined in §37.03. 	<input type="radio"/>		
33	§ 37.29	Not permit an individual to hold more than one REAL ID document, and no more than one DL <ul style="list-style-type: none"> • Prior to issuing a REAL ID driver's license, query other States to determine if applicant has been already been issued a driver's license or REAL ID identification card; Confirm that the other card has been, or is being, terminated • Prior to issuing a REAL ID identification card, query other States to determine if applicant has already been issued a REAL ID DL/ID; Confirm that the other card has been, or is being, terminated 	<input type="radio"/>		
34	§37.31(a)(1)-(3)	Retain copies of the application, declaration and source documents. Paper copies and microfiche must be retained for seven years. Digital images must be retained for a minimum of ten years.	<input type="radio"/>		

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35	§37.31(b)(1)-(3)	If digital imaging is used to retain source documents, <ul style="list-style-type: none"> • Store photo images in a JPEG compatible format • Store document and signature images that are compressed in Tagged Image Format (TIF) or comparable standard • Require that all images are retrievable by the DMV if properly requested by law enforcement 	<input type="radio"/>		
36	§ 37.33(a)-(b)	Maintain a DMV database containing, at a minimum, items identified in 37.33(a)(1)-(4)	<input type="radio"/>		
37	§ 37.41 (b)(4)	Implement documented procedures for controlling access to facilities and systems involved in the enrollment, manufacture, production and issuance of DL/IDs	<input type="radio"/>		
38	§ 37.43	Ensure the physical security of locations where driver's licenses and identification cards are manufactured or produced, and the security of document materials and papers of which such cards are produced.	<input type="radio"/>		
39	§ 37.55	Submit Final Certification package, to include; <ul style="list-style-type: none"> • Full compliance certification checklist • Attorney General letter • Certification by highest level executive official in state overseeing DMV • Description of states exceptions process per §37.11(h), waiver process (per §37.45(b)(1)(v)) • State security plan (per §37.41) 	<input type="radio"/>		

Definitions for Benchmarks 30 and 32

Covered employee means Department of Motor Vehicle (DMV) employees or DMV contractors who are involved in the manufacture or production of driver's licenses and identification cards, or who have the ability to affect the identity information that appears on the driver's license or identification card.

Digital photograph means a digital image of the face of the holder of the license or identification card.

Full legal name means an individual's first name, middle name(s), and last name or surname, without use of initials or nicknames.

IAFIS means the Integrated Automated Fingerprint Identification System, a national fingerprint and criminal history system maintained by the FBI that provides automated fingerprint search capabilities

Lawful status As defined by the REAL ID Act, a person in lawful status: is a citizen or national of the United States; is an alien lawfully admitted for permanent or temporary residence in the United States; has conditional permanent resident status in the United States; has an approved application for asylum in the United States or has entered into the United States in refugee status; has a valid nonimmigrant status in the United States; has a pending application for asylum in the United States; has a pending or approved application for temporary protected status (TPS) in the United States; has approved deferred action status; or has a pending application for lawful permanent residence (LPR) or conditional permanent resident status. This definition does not affect other definitions or requirements that may be contained in the Immigration and Nationality Act.

Principal residence means the location where a person is currently domiciled (i.e., presently resides even if at a temporary address) in conformance with the residency requirements of the State of domicile, if such requirements exist.

SAVE means the DHS Systematic Alien Verification for Entitlements system, or such successor or alternate verification system at the Secretary's discretion.

Temporary lawful status A person in temporary lawful status is a person who: has a valid nonimmigrant status in the United States; has a pending application for asylum in the United States; has a pending or approved application for temporary protected status (TPS) in the United States; has approved deferred action status; or has a pending application for LPR or conditional permanent resident status.

Verify means procedures to ensure that: (1) the source document is genuine and has not been altered (i.e., "document authentication"); and (2) the identity data contained on the document is valid ("data verification").