

# License to Drive = Proof of Identity

In the aftermath of Sept. 11, states are working to make their driver's license systems more secure.

By Matt Sundeen

Many of the Sept. 11 hijackers held U.S. driver's licenses—some obtained fraudulently and some legitimately. This revelation focused new attention on flaws in the system and has state and federal lawmakers working hard to improve the integrity and reliability of the driver's license.

When states first began issuing driver's licenses in 1908, the sole purpose was to improve traffic safety. The license indicates that a driver meets all the state's standards to operate a vehicle safely. States issue all driver's licenses and determine the requirements for obtaining a license to operate passenger vehicles. States currently license more than 95 million non-commercial drivers nationwide. Federal law, however, determines the standards to obtain the license needed to operate trucks, buses and other large commercial vehicles.

For years, traffic safety advocates worried that problems with the integrity and reliability of the license let people who should not be driving get behind the wheel and cause harm on the road. Improperly licensed drivers caused 11 percent of fatal crashes in 2000, killing more than 6,100 people and causing approximately \$25 billion in property damage, according to the National Highway Traffic Safety Administration (NHTSA).

In the security conscious post-Sept. 11 environment, concerns about the driver's license integrity and verifiability have taken on a whole new meaning. Now, despite no formal change, the license is commonly used as a form of identification to travel by airplane, to purchase alcohol, write checks and perform numerous other activities. Because it is so widely accepted as identification, lawmakers

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worry that terrorists could exploit gaps in the system to remain in the United States illegally, travel without restriction and cause further harm.

“A license is no longer only a sanction to drive,” says Representative Wayne Smith, the majority leader in the Delaware House of Representatives. “Now, it’s a primary means of identification, and that function is just as important. For the good of the republic it makes sense to improve its security.”

## INTEGRITY AND VERIFIABILITY

Two major concerns trouble lawmakers. First, flaws in the application and renewal process mean that, in many cases, states cannot accurately establish the real identity or driving record of a potential license holder. Second, differences in licensing systems from state to state and problems sharing information among states mean that law enforcement officers cannot verify the authenticity of the license during a traffic stop and may not receive potentially useful information about the license holder.

All states require other documents with the driver's license application to prove the identity of a potential license holder. These documents vary from state to state and can include birth certificates, utility bills, passports, Social Security cards or licenses from other states. The challenge is to verify whether these documents are authentic. In many cases, it can be difficult to recognize authenticity. The Secret Service reported, for example, that the United States produces more than 16,000 different kinds of birth certificates.



Representative  
Wayne Smith  
Delaware

It is also difficult to prove that the person presenting the document is the person actually named on it. If an applicant presents a valid Social Security card and birth certificate to the department of motor vehicles, for example, the applicant may be able to obtain a driver's license in the name of the person on those documents.

Fraud—both within and outside state motor vehicle departments—also threatens driver's license integrity. Recent investigations in California, Illinois and New Jersey found cases of government officials illegally selling thousands of dollars worth of driver's licenses. Fake documents are also readily available through many Internet Web sites and a variety of other means. Although it is difficult to quantify the number of people who obtain driver's licenses through fraudulent means, the number of fraud cases and the relative ease with which fake documents can be obtained suggests that many may be using improper licenses.

Differences in driver's licenses and problems sharing information from state to state mean that it is often difficult for law enforcement officers, airline agents or anyone else who uses a license for identification to verify information about that license holder. Usually, real time information about a driver is not available and, in many circumstances, it is possible for an individual to produce a counterfeit license during a traffic stop and escape detection. It can also be difficult for the law enforcement officer to quickly determine whether a license has been suspended or revoked.

#### STATES WORK ON SOLUTIONS

Since the terrorist attacks, state legislators have led efforts to improve driver's license security. Forty-one states considered driver's license security legislation during the 2001-2002 session, with 21 successfully enacting such measures.

"States have been extremely proactive and effective in providing solutions that will improve security of their driver's license systems," says California Senator Betty Karnette, chair of the National Conference of State Legislatures' Transportation Committee. "Many more states will continue to improve their driver's license issuance process even though their state was not a target for fraud related to the terrorist attack."

Legislators are using several approaches to improve security. One common method is to prevent access to driver's licenses by people who



Senator  
Betty Karnette  
California

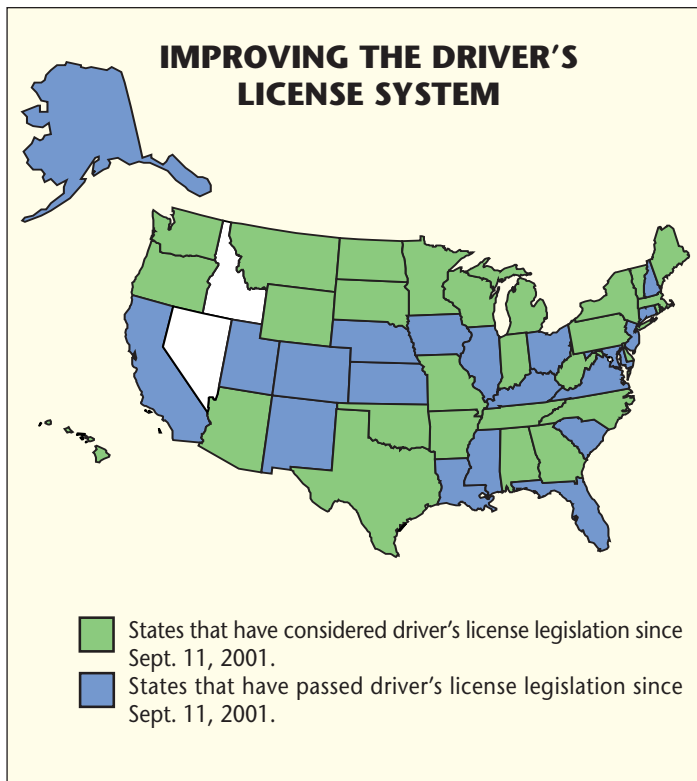


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may be in the United States illegally. Forty-four states require a Social Security number at the time of application, but most states do not include the number on the actual driver's license. Additionally, 20 states do not have requirements for applicants to prove lawful presence in the United States. Several states have passed legislation or are considering measures that link Social Security numbers or visa expiration dates with driver's licenses either at the time of application or by placing the information on the license itself.

"Holding a driver's license or non-driver ID card is a privilege, and one that we should only afford to people who are here legally," says New York Senator Frank Padavan, sponsor of SB 20, which he hopes will strengthen lawful presence requirements for issuing a driver's license. "Many states have gone further legislatively than we do with this bill," says Padavan. "Although I trust that the DMV is diligent in enforcing regulation, it's time that those policies became law."



Senator  
Frank Padavan  
New York

Majority Leader Smith agrees that it is important for states to link driver's licenses with federal documents. He is backing a bill that would tie the Delaware driver's license expiration date to an immigrant's visa expiration. Smith believes that the driver's license can play an important role in national security. "When you look at the individual terrorists who had expired immigration papers, as a practical matter the license should co-terminate with federal papers," says Smith. "It is just a very common sense thing to do."

It is not an approach that is uniformly endorsed, however. Tyler Moran, a policy analyst at the National Immigration Law Center, says driver's license changes that target immigrants are not the solution. "We think denying licenses to a large segment of the population is an inefficient way to enforce immigration and a futile way to stop terrorism that changes the purpose of the license," says Moran. "Immi-

gration is really complicated, with over 60 documents that can be used to prove a person's status. It is impossible to assume that a department of motor vehicles employee can understand that complexity. It sounds as if it could be a tool to combat terrorism, but in reality it's not doing anything and creates additional concerns about cost and safety."

Beyond targeting illegal immigrants, states are tackling driver's license concerns by creating new identification requirements at the time of application and improving background checks. Virginia, for example, changed its law to allow two notarized identity and residency forms to serve as identification. California recently passed a measure that, for the first time, would grant licenses to verified applicants for U.S. citizenship, but only after thorough criminal and terrorism background checks.

New technologies are also helping states to make counterfeiting more difficult and ensure the uniqueness of personal identification. Holograms, watermarks and high definition photographs on laminated licenses have been the traditional methods used to prevent fake documents. States now are using magnetic strips and bar codes on licenses to record information about drivers and are collecting biometric information, such as fingerprints and facial features, to ensure driver identity. Currently, seven states—California, Colorado, Florida, Georgia, Hawaii, Texas and West Virginia—collect fingerprints from driver's license applicants. West Virginia also uses facial recognition technology to verify the driver's identity during renewal, a technology that Colorado hopes to employ soon.

## FEDERAL ACTION LOOMS

State efforts to improve the driver's license system come under the shadow of potential federal mandates. Three bills proposed in Congress last year would have dramatically altered the system and required states to implement sweeping changes, including technological alterations, greater collection of biometric data, changes to license security features, state participation in national driver's license databases and adoption of national licensing standards. Although none of the measures passed, the threat of federal action has many state organizations such as NCSL, the Council of State Governments and the National Governors Association looking for state-driven solutions. Several proposals for action from the groups have included discussion about convening a summit, participating in a clearinghouse for best practices, developing model legislation for states to improve their driver's license systems, forming partnerships with the federal government and participating in an interstate compact on driver's license integrity.

It's the risk of federal legislation, combined with the national preoccupation with potential war and the threat of terrorism that has lawmakers continuing to scrutinize the driver's license system. "We don't want a national identity card," says Representative Smith. "That's why I think you'll see a bill make it through Delaware this year."

As of February 2003, 21 states were considering more than 40 driver's license bills, with more lawmakers likely to propose legislation this session.

