

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007
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HOUSE BILL 2136 / SENATE BILL 1786
A BILL TO BE ENTITLED

AN ACT to prevent the state of North Carolina from participating in or complying with the REAL ID act of 2005.

The General Assembly of North Carolina enacts: SECTION 1. Chapter 20 of the General Statutes is amended by adding a new section to read: "§ 2016.1. Compliance with the REAL ID Act of 2005.

(a) The General Assembly having determined that the government of the United States has issued an unfunded mandate for the production and clearance of the State's drivers licenses with the passage of Title II of P.L. 109113, the REAL ID Act of 2005, and that compliance with the provisions of the REAL ID Act of 2005 will result in a fiscal cost that the State cannot afford, the General Assembly hereby declares that no State agency shall comply with the requirements of the REAL ID Act of 2005.

(b) The Department of Motor Vehicles is prohibited from using Radio Frequency Identification (RFID) technology or microchips on driver's licenses in any form, and also prohibited from:

(1) Amending any procedures for applying for a driver's license or identification card in order to comply with the standards of the federal Real ID Act of 2005;

(2) Expanding motor vehicle records data it shares with other states, the federal government, or other agencies or providing data to any additional states or state or federal agency unless authorized by statute; or

(3) Collecting, obtaining, or retaining any data in connection with activities related to compliance with the act. Any biometric data previously collected, obtained, or retained in connection with motor vehicle registration or operation or the issuance or renewal of driver's licenses or identification cards by any state department or agency must be retrieved and deleted from all databases. For purposes of this section, "biometric data" includes, but is not limited to:

(A) Facial feature pattern characteristics;

(B) Voice data used for comparing live speech with a previously created speech model of a person's voice;

(C) Iris recognition data containing color or texture patterns or codes;

(D) Retinal scans, reading through the pupil to measure blood vessels lining the retina.

(c) The State of North Carolina should take all reasonable measures to ensure the privacy of its citizens and should not sell, rent or lease data collected for the use of identifying it's citizens for commercial purposes.

(d) The DMV shall not store copies of breeder documents, such as birth certificates, social security numbers and so forth in any type of database or hard paper copies. Social Security numbers may be used to validate the legal presence of an applicant for a state issued id or drivers license if an applicant has no other means of proving their identity.

(e) The image taken of the applicant or identification card shall not be stored in any database and should only be stored on the identification itself in a non digital format.

SECTION 2. This act becomes effective May 1, 2009.

Special Thanks to Representative Jim Guest of Missouri and Legislators Against Real ID for allowing us to use parts of his Legislation to craft this. Representative Guest has been working non stop by going across this great nation and educating Legislators about the Real ID. Jim's website is www.LegislatorsAgainstRealID.com